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Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father of all the families of the Earth, this Sunday we institute Parent's Day. We pray that this special day, established by Congress and signed into law by the President, will be a day to recall America to a new commitment to the family.

We ask You to bless parents as they live out the high calling of being parents. Help them to learn from the way You parent all of us as Your children. You have shown us Your faithfulness, righteousness, and truthfulness. You never leave or forsake us; You respond to our wants with what is ultimately best for our real needs. You love us so much that You press us to become all that You intended.

As parents, we commit ourselves to moral purity, absolute honesty, and consistent integrity. Help us to be dependable people in whom our children experience tough love and tender acceptance along with a bracing challenge to excellence and responsibility. May our example of patriotism raise up a new generation of Americans who love You and their country.

Be with parents when they grow weary, become discouraged, or feel that they have failed. Be their comfort and courage. Remind them they are partners with You in launching children into the adventure of living for Your glory and by Your grace. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader.

SCHEDULE

Mr. BURNS. Mr. President, I wish to mention that this morning the leaders' time has been reserved and the Senate will begin consideration of H.R. 1817, the Milcon appropriations bill. Under the consent agreement entered into last night, at 10:20 this morning the Senate will resume consideration of the rescissions bill. At that time, there will be 40 minutes of debate remaining and as many as three stacked rollcall votes to occur following the debate at approximately 11 a.m. Senators should therefore expect votes throughout today's session of the Senate.

With that, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if I could have unanimous consent for about a minute as in morning business to introduce a bill.

The PRESIDING OFFICER (Mr. SANTORUM). Is there objection to the request of the Senator from Alaska? Without objection, it is so ordered.

Mr. MURKOWSKI. Good morning, Mr. President. I thank my colleagues, the Senator from Montana and the Senator from California, who have been so gracious to extend me a minute this morning.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1054 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MILITARY CONSTRUCTION APPROPRIATIONS, 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 1817, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, **[**$611,608,000**]** *$496,664,000,* to remain available until September 30, 2000: *Provided,* That of this amount, not to exceed **[**$50,778,000**]** *$44,034,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor*: Provided further, That of the funds appropriated for ''Military Construction, Army'' under Public Law 102–143, $6,245,000 is hereby rescinded.*

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, [$588,243,000] *$542,186,000*, to remain available until September 30, 2000: *Provided*, That of this amount, not to exceed [$66,184,000] *$49,477,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, [$578,841,000] *$532,616,000*, to remain available until September 30, 2000: *Provided*, That of this amount, not to exceed [$49,021,000] *$23,894,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 102–136, $2,765,000 is hereby rescinded: Provided further, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 102–368, $13,240,000 is hereby rescinded*.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS *AND RESCISSIONS*)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, [$728,332,000] *$818,078,000*, to remain available until September 30, 2000: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed [$68,837,000] *$83,992,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for ''Military Construction, Defense-wide'' under Public Law 101–519, $3,234,000 is hereby rescinded: Provided further, That of the funds appropriated for ''Military Construction, Defense-wide'' under Public Law 102–136, $6,800,000 is hereby rescinded: Provided further, That of the funds appropriated for ''Military Construction, Defense-wide'' under Public Law 102–380, $8,590,000 is hereby rescinded: Provided further, That of the funds appropriated for ''Military Construction, Defense-wide'' under Public Law 103–110, $8,131,000 is hereby rescinded*.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSIONS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$72,537,000] *$93,121,000*, to remain available until September 30, 2000.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$118,267,000] *$134,422,000*, to remain available until September 30, 2000: *Provided, That of the funds appropriated for ''Military Construction, Air National Guard'' under Public Law 103–110, $6,700,000 is hereby rescinded*.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$42,963,000] *$48,141,000*, to remain available until September 30, 2000.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$19,655,000] *$7,920,000*, to remain available until September 30, 2000.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$31,502,000] *$32,297,000*, to remain available until September 30, 2000.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction authorization Acts and section 2806 of title 10, United States Code, $161,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$126,400,000] *$71,752,000*, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, [$1,337,596,000] *$1,339,196,000*; in all [$1,463,996,000] *$1,410,948,000*.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$531,289,000] *$504,467,000*, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, [$1,048,329,000] *$1,051,929,000*; in all [$1,579,618,000] *$1,556,396,000*.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$294,503,000] *$261,137,000*, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, [$863,213,000] *$850,059,000*; in all [$1,150,730,000] *$1,111,196,000*.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $3,772,000, to remain available for obligation until September 30, 2000; for Operation and maintenance, [$30,467,000] *$42,367,000*; in all [$34,239,000] *$46,139,000*.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense Family Housing Improvement Fund, $22,000,000, to remain available until [expended] *September 30, 2000*: *Provided*, That, subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to this Fund from amounts appropriated in this Act for Construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to that Fund: *Provided further*, That appropriations made available to the Fund in this Act shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of, and amendments made by, the National Defense Authorization Act for fiscal year 1996 pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $75,586,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $964,843,000, to remain available until expended: *Provided*, That not more than [$224,800,000] *$325,800,000* of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $2,148,480,000, to remain available until expended: *Provided*, That not more than [$232,300,000] *$236,700,000* of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $784,569,000, to remain available until expended: *Provided*, That such funds will be available for construction only to the extent detailed budget justification is transmitted to the Committees on Appropriations: *Provided further*, That such funds are available solely for the approved 1995 base realignments and closures.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor: *Provided*, That the foregoing shall not apply in the case of contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or [in] *countries bordering* the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in *countries bordering* the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'' to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies [in] *bordering* the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

[SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

[SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

[(TRANSFER OF FUNDS)

[SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred among the Fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374); the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991; and appropriations available to the Department of Defense for the Homeowners Assistance Program of the Department of Defense. Any amounts so transferred shall be merged with and be available for the same purposes and for the same time period as the fund, account, or appropriation to which transferred.

[SEC. 124. The Army shall use George Air Force Base as the interim airhead for the

National Training Center at Fort Irwin until Barstow-Daggett reaches Initial Operational Capability as the permanent airhead.

[SEC. 125. (a) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall convey to the Lake County Forest Preserve District, Illinois (in this section referred to as the ''District''), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of approximately 290 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.

[(b) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under subsection (a), the District shall provide maintenance and care to the remaining Fort Sheridan cemetery, pursuant to an agreement to be entered into between the District and the Secretary.

[(c) The Secretary of the Army is also authorized to convey the remaining surplus property at former Fort Sheridan to the Fort Sheridan Joint Planning Committee, or its successor, for an amount no less than the fair market value (as determined by the Secretary of the Army) of the property to be conveyed.

[(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsections (a) and (c) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Lake County Forest Preserve District, and the Fort Sheridan Joint Planning Committee, respectively.

[(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.]

SEC. 125. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Facility Renovation (Phase I), unless the Secretary of Defense certifies that the total cost for the planning design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,218,000,000.

SEC. 126. In addition to amounts appropriated elsewhere in this Act, $228,098,000 is hereby appropriated, to remain available until September 30, 2000, to the following accounts in the amounts specified:

Military Construction, Army, 1996/2000, $20,000,000;

Military Construction, Navy, 1996/2000, $10,400,000;

Military Construction, Air Force, 1996/2000, $37,000,000;

Military Construction, Defense-Wide, 1996/2000, $10,000,000;

Military Construction, Army National Guard, 1996/2000, $63,236,000;

Military Construction, Army Reserve, 1996/2000, $35,282,000;

Military Construction, Air National Guard, 1996/2000, $34,550,000;

Military Construction, Air Force Reserve, 1996/2000, $3,150,000;

Family Housing, Navy and Marine Corps, 1996/2000, $8,480,000; and

Family Housing, Air Force, 1996/2000, $6,000,000.

This Act may be cited as the ''Military Construction Appropriations Act, 1996''.

PRIVILEGE OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that Warren Johnson be given floor privileges during consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Debbie Allen, a congressional fellow in my office, be extended floor privileges during the pendency of this action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the military construction appropriations bill and report for fiscal year 1996.

Mr. President, this bill was reported out of the full Appropriations Committee on Wednesday. The bill recommended by the full Committee on Appropriations is for $11.159 billion. This is $461 million over the budget request, $18 million under the House bill, and $2.424 billion over the level enacted last year. Compared to last year's enacted level, the budget proposed a $2 billion increase in the regular military construction program.

Also, I am pleased to report to the Senate that the bill is within the committee's 602(b) budget allocation for both budget authority and outlays.

Mr. President, it has not been easy putting this bill together. Earlier this year, the subcommittee received an allocation that provided for a $461 million increase to the budget request. However, $161 million of this amount provides for a transfer from the Defense appropriation to the military construction appropriation for the Pentagon renovation.

This account was put into the Defense bill in 1993 in the form of a revolving fund. By putting it back into the military construction appropriation we will bring more visibility to the program. This transfer means our allocation is really $180 million under the House.

The Committee on Appropriations in the House approved an appropriations bill that was $500 million over the budget request.

Mr. President, this bill has some points I want to mention. The bill fully funds the base closure and realignment accounts. This include $784 million for this year's round of base closures. This has been an extremely difficult year for many States with regard to the brac process. We made sure that there would be no impediments to moving forward with the decisions that the President has approved. Mr. President, this account makes up 35 percent of our appropriation.

However, I am extremely concerned with the growth of this program. The base closure program cannot replace a regular military construction program. Our military bases that will remain open will have investment requirements which must be met. But as the base closure program grows, it will continue to crowd out the regular military construction program.

In addition, the subcommittee is asking the General Accounting Office to help us evaluate the future requests for the base closure accounts. If the Department is unable to get the cost of base closures under control, it has a responsibility to reorient other priorities in the Defense budget so adequate funding is available to pay for the routine military construction requirements of the active services and the Guard and Reserve.

We supported the Secretary's initiative to provide more housing to our military members. This is part of the $4.2 billion included in this bill for family housing.

We did not, however, support the Air Force's request to build new senior and general officer quarters. We will not support building new homes for generals when there are families of enlisted people on waiting lists for homes.

We also addressed the shortfalls that continue to plague our Reserve component; $263 million was added for the Reserve component. In each case these funds are for quality of life or readiness.

Mr. President, the administration has available to it the same information the subcommittee has. The administration knows that the construction backlog of the Army Guard, the Air Guard, the Army Reserve, the Navy Reserve, and the Air Force Reserve is billions of dollars and that backlog is growing, even as the force levels are being reduced.

So against this construction requirement, the administration budgeted only $182 million for the entire Guard and Reserve component of the Department of Defense. We could not allow this to happen.

We have only reduced the administration request of $179 million for the NATO Security Investment Program by 10 percent. We believe this is a responsible reduction considering the requirements that may be put upon NATO in the near future.

Mr. President, before I close I want to thank the ranking minority member for his participation and his contributions to the subcommittee this year. I also want to thank Dick D'Amato of his staff as well and Warren Johnson and Jim Morhard on my staff. We would not have gotten here without their tireless work.

Mr. President, at this time, I yield the floor to my friend from Nevada, the distinguished minority member.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I fully support the recommendations in this bill that is now before the Senate. I compliment the chairman of the subcommittee, the distinguished Senator from Montana [Mr. BURNS], for his excellent work and that of his staff.

The chairman of the subcommittee and I have enjoyed an open and productive working relationship in bringing the recommendations in this bill to the Senate.

As the chairman mentioned, this bill emphasizes quality of life, particularly in family housing in barracks for single

soldiers. It funds the Secretary of Defense's initiative to get the private sector into the military housing market and help relieve some of the tremendous backlog of needs for both new and renovated housing, which averages over 30 years of age throughout the services. We have homes that people are living in that are over 50 years old in many installations throughout the United States.

My colleagues might wonder why this bill is the only subcommittee mark above the level of a fiscal year 1995 freeze. The reason is that the very large amount was needed to fund the base closure and realignment accounts, as the chairman has already indicated, almost $4 billion, or more than a third of the entire amount recommended in the bill. In spite of this, we met our 602(b) allocation.

Without the need to fund the downsizing of the military through the BRAC process, the bill would be almost $2 billion below the freeze level. Otherwise, Mr. President, the bill is extremely frugal. Overseas construction has been reduced somewhat, as has NATO funding, which this Member believes should be the beginning of a down path to have the European Community bear a more fair share of their burden in NATO.

I commend the chairman for taking the many requests from Senators to include projects in this bill. This is necessitated, in large part, because the Department of Defense has again, as it has in the past, refused to adequately fund the construction projects for the National Guard and Reserve, requiring the subcommittee to review many worthy projects suggested by Senators and the Guard and Reserves and to come up with a fair and equitable solution to the problem.

I add, Mr. President, in time of crisis, we rely heavily on the Guard and Reserve. During the gulf war crisis, we called upon the Guard and Reserve to bear more than their share of the burden, especially based on how we have funded them in the past. It simply would be unfair to not give them some consideration simply because they have been ignored by the Pentagon.

The administration requested only $182 million for the Guard and Reserve, compared to $574 million appropriated in fiscal year 1995. We are well below last year's level, recommending $452 million, which is a 20-percent reduction. The subcommittee has used strict criteria for evaluating these projects suggested by Members, and a strong effort was made to take all Members' interest into consideration.

While no Senator that I am aware of has been fully satisfied, I think the result is as fair and equitable as possible, given the significant budget constraints that we are working under.

Mr. President, I believe that this is a good product, and I hope that the Senate will support it.

I thank at this time the staff director, Jim Morhard and his assistant, Warren Johnson, for their work and cooperation with my staff, Dick D'Amato, a member of the Appropriations Committee assigned to me to work on this and other appropriations matters, and B.G. Wright also of the Appropriations Committee, Peter Arapis of my personal staff and a congressional fellow who has been working with me for the past 6 months, Debbie Allen.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business not to exceed 20 minutes.

Mr. REID. Mr. President, I am wondering if the Senator could end her remarks about 25 till, because we have a Senator offering an amendment and we have limited time.

Mrs. BOXER. Absolutely.

The PRESIDING OFFICER. The Senator is recognized until 9:35.

HEARINGS ON ALLEGATIONS OF MISCONDUCT

Mrs. BOXER. Mr. President, because the Senate polices itself, there has been much debate over the years about how the Senate should address allegations of misconduct. This debate has intensified in recent weeks because the Select Committee on Ethics has determined that allegations of wrongdoing made against a sitting Senator are supported by substantial, credible evidence.

With this determination, the case moved into a formal investigative phase. As of today, in what appears to be a break with well-established traditions, no public hearings into this case have been scheduled. I have written the Ethics Committee and informed them that if no public hearings were scheduled by the end of this week, I would seek a vote on the matter by the full Senate. Mr. President, I have the legislation prepared and will seek to offer it next week. It is very straightforward and it will require that the pending case be treated in the same fashion as all other cases. I trust the Republican leadership will allow me a vote on my amendment in this very important matter, because the Senate's reputation is at stake.

I will take some time today to explain why I believe that the Ethics Committee should follow its longstanding practice and schedule public hearings in this case.

When an allegation of misconduct is received by the Select Committee on Ethics, it conducts a preliminary inquiry, the first stage of its procedures. If, at the conclusion of the preliminary inquiry, the committee determines that there is reason to believe improper conduct may have occurred, the committee may conduct a more exhaustive review called an initial review.

To proceed beyond an initial review into the investigative phase, a rigorous test must be met. The committee must determine that there is ''substantial credible evidence which provides substantial cause for the committee to conclude that a violation'' within its jurisdiction has occurred. If the committee finds that substantial credible evidence of wrongdoing exists, the case now enters the investigative phase. So, Mr. President, there is a preliminary inquiry, there is the initial review, and then there is the investigative stage.

This three-tiered process for evaluating allegations of impropriety was established by this Senate in 1977. Since then, every case reaching the investigative phase has included public hearings. Let me repeat that, Mr. President. Since 1977, every single case reaching the investigative phase has included public hearings.

Mr. President, even before the formal procedures were established in 1977, when the Ethics Committee was created, the Senate followed the practice of holding public hearings in cases of alleged misconduct of its Members. For example, in 1954, extensive hearings were held by a special committee investigating misconduct by Joseph McCarthy. And as long as 65 years ago, in 1929, a special subcommittee of the Judiciary Committee held hearings to investigate alleged misconduct by Senator Hiram Bingham, and the committee made the complete records public.

In other words—and I think this is important for Senators to understand—even before the three-tiered procedure was established, investigations into alleged impropriety included extensive hearings and full public disclosure.

In 1978, shortly after the Ethics Committee was established, there was alleged financial misconduct by a Member of the Senate. After completing a preliminary inquiry, the committee voted to conduct an initial review, and then a full investigation. During that stage—the first in the history of the Senate—public hearings were held from April 30 to July 12.

Following these hearings, the committee recommended that the Senator be censured because his conduct tended to ''bring the Senate into dishonor and disrepute.'' In one day of debate on October 11, 1979, the Senate accepted the committee's recommendation.

The following year, the committee faced its most serious allegation of misconduct. In 1980, a Senator was indicted on nine criminal charges ranging from bribery to fraud, stemming from the Abscam sting operation. The Ethics Committee deferred its investigation until the criminal case was concluded. After the Senator was convicted, the committee authorized a formal investigation.

As has been its practice, the committee held public hearings into the charges once it reached the investigative phase. The committee, then chaired by Senator Malcolm Wallop, found the Senator's conduct ''ethically repugnant'' and recommended that the

Senator be expelled. Rather than face expulsion, the Senator resigned.

In 1989, a Senator was accused of financial misconduct related to a book deal and his ownership and use of a condominium and was investigated by the Ethics Committee. The committee followed the same procedure—a preliminary inquiry, initial review, and finally, a formal investigation.

In the investigative phase of that case, the Committee held public hearings on the allegations. One month after the hearings, the Ethics Committee submitted to the Senate a resolution recommending censure for ''reprehensible'' conduct ''in violation of statutes, rules, and Senate standards.'' And the Senate upheld that decision.

I think it is important to note that after that investigation, some Senators were critical of the length of time it took to fully investigate ethics complaints—nearly 2 years in that case. Several Senators suggested streamlining the operations of the committee by reducing the number of investigative stages. But the chairman of the committee, Senator HOWELL HEFLIN, and the vice chairman, Senator Warren Rudman, noted that the three-tiered procedure is designed for the protection of the accused, because its first two stages are conducted in private, while the last stage is conducted in public. The Senate historian has summarized the arguments of the chairman and vice chairman as follows, and I think this is important for Senators to hear:

> The multistage process was actually designed to protect the individual being investigated. Under the committee's rules, the two early portions of an inquiry were carried out in closed session, and only the third stage—the formal investigation and hearing—was conducted in public. In fact, on a number of occasions . . . the confidentiality of the procedure had protected Senators against whom unjust charges had been brought.

So here we have the historian of the Senate making the case that in the third stage of the investigation, it must and should go public.

It is clear that the Ethics Committee procedures were intended to include a public airing and disclosure of the cases, once the committee has determined that the allegations were supported by substantial credible evidence.

The most recent Ethics Committee complaint to reach the investigative stage involves a Senator accused of improper conduct related to the S&L industry. In conducting its preliminary inquiry, the committee conducted extensive public hearings over a two-month period. That Senator was disciplined by a new form of reprimand, where the full Senate did not adopt a resolution of censure, but it was required to assemble on the Senate floor to hear a strongly worded committee reprimand.

Mr. President, this is a simple matter of fact: Since the Ethics Committee adopted its current procedures in 1977, every case to reach the investigative stage has included public hearings.

And furthermore, it is an indisputable matter of historical fact that in investigating allegations of improper conduct, the Senate has a well-established practice and record of conducting hearings. This practice dates back to a time before the Ethics Committee was formed.

Now, why are public hearings important? Because they demonstrate to the people—out in the sunlight—that we take seriously our constitutionally mandated responsibility to discipline our own, to discipline our own for unethical conduct. Each time an allegation of misconduct surfaces, the bonds of trust between the Congress and the people are strained. But by facing these allegations head-on, by holding public hearings and supporting appropriate disciplinary actions, we begin to repair those bonds of trust. Covering up our problems and attempting to hide them from the people only makes matters worse. And that is not the way we should function as a democracy.

Mr. President, I have taken the Senate's time today to discuss this issue because it now appears that the Ethics Committee is on the verge of abandoning its well-established procedure of conducting public hearings, in a case currently before it—a case that has reached the investigative stage. In my view, such a significant departure from established practice demands the attention of the full Senate and of the American people.

For more than 2½ years, the Ethics Committee has been considering very serious allegations against the junior Senator from Oregon. On May 17 of this year, the committee completed its inquiry of the case and voted unanimously to proceed to the final investigative stage. In adopting its resolution for investigation, the committee found ''substantial credible evidence'' to support numerous allegations of sexual and official misconduct.

It is my view that the Ethics Committee should follow the normal practice of the Senate and hold public hearings on these allegations promptly. There is nothing about this case that warrants making an exception. I am very disappointed that a number of Senators have advocated the opposite, and have indicated their desire to keep this investigation behind closed doors.

Mr. President, opponents of public hearings in this case have raised three objections.

First, they say public hearings on this matter would bring the Senate into disrepute. I argue that the opposite is true. As former Chief Justice Brandeis said, ''Sunlight is said to be the best of disinfectants.'' By acknowledging problems and demonstrating a willingness to discipline our own, we strengthen the Senate and the bonds with the people. We win confidence from the people by discharging our responsibilities frankly and openly—no matter how controversial the issue. But we irrevocably lose the people's respect by sweeping our problems under the committee room rug. The Senate is not a private club; it is the people's Senate. We do not go in the back room, light up a cigar, and decide these cases.

Second, opponents of public hearings in this case say that the allegations are so explosive that hearings would degrade into a circus-like atmosphere. I understand these concerns. However, I have confidence that the committee can discharge its responsibilities with dignity. What is the message here? Is it that the more embarrassing the charges, the more a Senator will be protected behind closed doors? That would be a terrible message to send to the American people.

I ask another question: If all the other issues were dealt with in public, is it a signal that if the issue were sexual misconduct you get the safe haven of a private club? That would be a terrible message.

Third, some opponents of hearings in the open argue that these hearings would be unfair to those who make the complaints because they could be subjected to uncomfortable questions and difficult cross-examination. I am confident that the committee will treat all witnesses fairly. In fact, several of the complainants in this case traveled to Washington to ask the Senate to hold public hearings.

Moreover, the Ethics Committee can decide under current Senate rules to close any portion of a hearing if it decides it is necessary to protect a witness. That is an important point. Under the rules of the Senate, the Ethics Committee may close any part of a hearing to protect a witness.

If it is true that hearings in this case would be painful—and it probably is—I must ask, is it the responsibility of a Senator merely to avoid painful issues? The Anita Hill hearings were painful, and what came of it? A national debate about sexual harassment that led to increased public awareness and better laws. Embarrassing? So were the Watergate hearings. Painful? So were the Waco hearings, where this week a young girl went before a committee and millions of viewers and described in detail the most despicable sexual abuse. The description was so graphic, in fact, that the committee felt compelled to warn television viewers in advance.

Hurtful? Think of Vince Foster's widow, who 2 years later has to turn on the television and see that story before her again. Mr. President, personal discomfort is, unfortunately, part of our job.

I hope I have explained why holding public hearings in this case is also part of our job. There is no reason to make an exception in this case and break with well-established procedures. That is what this issue is about.

I also feel obligated to discuss what this issue is not about. It is not about any other Senator. It is not about partisan politics. It is not about personalities. Perhaps the most shocking thing

to me in this process has been the private and public threats to a Senator who simply wants to continue the tradition of public hearings. I will not be deterred. I believe most Senators will support public hearings.

Mr. President, I urge the Ethics Committee again today, on this Senate floor, to call a meeting of their committee, which last week they canceled, which this week they have not scheduled, to open this particular case to the public. It is, without doubt, the right thing to do.

However, if the committee refuses to do this, I will have no alternative, as I have said before, but to bring this issue to the Senate floor directly. My legislation is ready. It is straightforward. I will offer it at the earliest opportunity next week if we have no action.

In my view, a major procedural change overturning decades of well-established precedent must be debated by the full Senate. I think this is very, very serious. The charges are serious against the Senator, but equally important, is that the precedents of this U.S. Senate not be cast aside.

I yield the floor.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION APPROPRIATIONS, 1996

The Senate continued with the consideration of the bill.

Mr. BURNS. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc to H.R. 1817, provided that no point of order shall be considered as having been waived by reason of this agreement, and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the committee amendments were agreed to.

Mr. BURNS. Mr. President, I also ask unanimous consent that Senator BINGAMAN be recognized for the purpose of offering an amendment, and that a time agreement has been reached, an hour equally divided on both sides, with Senator BINGAMAN in charge, and the managers in charge of the opposite side.

Mr. REID. Mr. President, I ask unanimous consent that the unanimous-consent request be amended to reflect that there be no second-degree amendment in order, except a perfecting amendment that the Senator has to offer, and the hour time agreement would apply to all—to the amendment and the perfecting amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, would the Senator agree, if a vote is ordered, to have a vote at the same time as the votes relating to the rescissions bill?

Mr. BINGAMAN. Mr. President, I advised the Republican manager earlier that I am glad to do that, except that I think I would like to reserve the right of each of the sponsors, Senators MCCAIN and Senator KERREY, to speak for a few moments about the bill.

If they have not had a chance to do that, I want to have that opportunity.

Mr. REID. That would be under the time that the Senator controls.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1834

(Purpose: To reduce by $300,000,000 the amount appropriated by the bill)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. MCCAIN, and Mr. KERREY, proposes an amendment numbered 1834.

The amendment is as follows:

On page 22, between lines 2 and 3, insert the following:

SEC. 127. Notwithstanding any other provision of this Act, the total amount appropriated by this Act for military construction and family housing is hereby reduced by $300,000,000.

Mr. BINGAMAN. Mr. President, I asked that the amendment be read because I think it is very straightforward. Members should not have any difficulty understanding what the amendment is. It is an amendment offered by myself, Senator MCCAIN, and Senator KERREY from Nebraska.

What it does is it proposes to strike $300 million from this bill and to bring the level of spending in this bill back to the level that the President requested. That request from the President, from the administration, was not an insubstantial request. It was almost $2 billion above last year's level. The budget request was for $10.698 billion for military construction and family housing, which was an increase of $1.963 billion over the 1995 appropriation.

The budget request included a major initiative on family housing, an increase of $605 million above the 1995 level. It also included $1.2 billion in additional funding to carry out the base closure and realignment that has been ordered by current and past base closure commissions.

So we are, in this amendment, not trying to interfere with a substantial increase in military construction funding over last year's level. The President felt that was appropriate. The administration felt it was appropriate. We are not, in this amendment, trying to attack that. What we are saying, though, is that we need to have some limit on the extent of the add-ons that we, in Congress, engage in, if, in fact, we do have a concern about deficit reduction—and we clearly need to have that concern.

The committee was able to find about $400 million to reduce in what the President requested; another $57 million in rescissions from prior-year appropriations. If the committee had stayed within the President's request, that would have given them an amount of $474 million to earmark for various items that are called to the attention of committee members of this body on both sides of the aisle.

Mr. President, $474 million did not appear to be enough for Member items. The committee added an additional $300 million to cover those items, and I believe this is a luxury that we cannot defend to the American people at a time when deficit reduction is paramount in the Nation's political agenda, and deserves to be paramount in the agenda of the Nation when our debt is ballooning to almost $5 trillion.

The committee will argue that the projects that they have added, the $747 million in all that they have added, meet the criteria which the Senator from Arizona, my cosponsor on this amendment, has been in the forefront of establishing. That is, all of these projects are in the Pentagon's 5-year plan and they have merely moved up the execution of the projects for this next fiscal year. They will argue that the National Guard has come to rely on these add-ons because the Pentagon always leaves out things which are necessary for the National Guard.

These arguments do have some merit, and I think they can be used to justify the most important $474 million of add-ons. But in my view, the arguments cannot justify the marginal $300 million that has been added to that. Unlike the cuts which we will make in future appropriations bills which come before the Senate in areas such as education and research and health, the projects which are ultimately cut if our amendment is approved will be in future defense requests, some next year, some as late as the year 2001. Essentially, these are projects which the administration said are meritorious, but we cannot afford them this year. What I am saying by this amendment, and what my cosponsors are saying, is we agree with that. We cannot afford the additional $300 million this year.

I say to my Democratic colleagues who will bemoan cuts in various domestic discretionary programs—and I will agree with them that some of those cuts are inappropriate—but how can we in the Congress justify adding funds for marginal projects in this bill while we are making those cuts in domestic discretionary programs? And I

would say to my Republican colleagues, many of whom, like the Senator from Arizona, feel the investment in defense is inadequate, is this the place where additional funding should be spent if we have additional funding to spend in defense?

I do not believe the American people want us to conduct business as usual. It is always striking to me that when the Defense authorization bill passes, and we generally make significant policy decisions in that Defense authorization bill, unfortunately, in our hometowns and in our home States the headlines in the local papers are about the military construction projects that are funded in the Defense bill. So I understand there is a local imperative that drives the funding of these military construction projects.

I do believe we need to at least hold the level of increase to the very substantial level that the administration has asked for and not add to it in this bill. The way we propose this legislation, it would be up to the Appropriations Committee to make a decision as to where the priority is and where it wants to spend that $474 billion of add-ons. I have no argument with them on that. That is the nature of our committee structure, and I think they can make that decision.

If we do not stop business as usual in this bill, then where are we going to? Mr. President, $474 million in add-ons is enough. I, for one, do not support going with an additional $300 million above and beyond that. I hope a majority of the Senate will agree, after all of the speeches have been made on deficit reduction, that the message sent by adding $774 million in add-ons is inappropriate, and the American people would not support it.

Let me conclude by just reading a short statement from the administration on this. The administration says in this statement of administration policy:

> The Administration is committed to balancing the Federal budget by the [fiscal year] 2005. The President's budget proposes to reduce discretionary spending for [fiscal year] 1996 by $5 billion in outlays below the FY 1995 level. The Administration does not support the level of funding assumed by the House or Senate Committee 602(b) allocations.
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> * * * * *
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> The Administration strongly objects to $648 million in funding for approximately 100 unrequested military and family housing construction projects. With the Nation facing serious budget constraints, such a spending increase is not affordable.

Mr. President, let me also point out there is an item in here that I think people just need to be aware of. That is, this subcommittee of Appropriations has been given the job of funding, as I understand it, the renovation of the Pentagon. There is $161 million in this bill for renovation of the Pentagon. I support that funding. Frankly, when I saw the figure, I was a little bit taken aback and thought maybe this is a bit excessive. I know that is a big building, but $161 million is a lot of renovation. Then I noticed in the bill, on page 20 of the bill, a provision which really did, I think, cause me to think we should focus on this. It says, ''None of the funds appropriated in this act may be transferred to or obligated from the Pentagon reservation facility renovation unless the Secretary certifies that the total cost for planning, design, construction, installation of equipment for the renovation of the Pentagon will not exceed $1.2 billion.''

Mr. President, I thought the $161 million was a little excessive. Now I understand the $161 million is next year's installment on renovation of the Pentagon. It is $1.2 billion which this committee is saying is the total that they are going to agree to provide.

So I make this point for my colleagues, just to make the point we are not being stingy with the military. This is not a case of the military being totally left unfunded. They are getting nearly a 20-percent increase from last year's funding in military construction. We are agreeing here to go up to $1.2 billion to renovate the Pentagon. In our amendment, we are not in any way interfering with the addition of $474 million of Member interest items. We are just saying, let us draw the line someplace, and that someplace ought to be at the level that the administration requested. That means we ought to strike $300 million of those add-ons as part of this bill.

So that is a brief explanation. My colleagues from Arizona and Nevada wish to speak on this. I, therefore, reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I think the Senator from New Mexico raises a couple of good points. If you look to see what we have done in the past, we have been very negligent in providing housing, especially for our enlisted personnel in the military. When we changed the philosophy on how we were to maintain our military forces, when we went to an all-military Army, Navy, and Marine force, we made a covenant with those people that if they are volunteering and they make this a career, we are going to provide some kind of quality of life. I think this is the first time that we have made an investment this large in the infrastructure for the quality of life for our enlisted people.

I was shocked when visiting some of the bases that we actually have people who are living off base, who have to go to lease a house, or rent a house, or even purchase a house. This has caused them to qualify for food stamps. I do not think this is very good when we ask those people to stand in harm's way for this country and to represent us in some areas where maybe some of us would refuse to go.

I am very much aware that for the first time we have changed the thrust of military construction.

Then let us look at another end of it. In the base closing and the realignment, we are trying to move some of the facilities that we have closed into private hands, to dispose of that property. But due to some environmental laws, like third-party liability, those properties are not worth anything until we clean those properties up. And that is where the big expense is coming in with base realignment. We have chosen to close military facilities to save money. We are having to shift some funds over into BRAC in order to close those facilities and make them available to either private sales or to be used for some other part of Government operations.

Mr. BINGAMAN. Mr. President, could I ask the Senator from Montana if he would yield for a question?

Mr. BURNS. I am happy to yield.

Mr. BINGAMAN. I want to be sure there was understanding between us. Our amendment does not cut any of the funds that are being appropriated to carry out the BRAC recommendations, either the previous BRAC recommendations or these BRAC recommendations. They are strictly add-ons in other areas and not in BRAC.

Mr. BURNS. I would respond to the Senator and say this: Because we had to use up so much money in that, we had to have money for the Guard and Reserves. The President's request had very little for the support of our Guard and Reserves and facilities around the country outside of the normal activity of our military because so much of the original request is taken up by base closure and realignment.

Mr. BINGAMAN. Mr. President, let me ask one additional question of my colleague. He understands also that our amendment does not interfere with the appropriation of $474 million in add-ons which would totally satisfy the Guard money or Reserve money add-ons, as I understand it. What we are saying is that above and beyond, if the Appropriations Committee chose to give that a priority, there would be funding to do all the Guard and Reserves. It is just a question of whether or not we are going to add $300 million more to that.

So I want to be sure that was clear, Mr. President.

Mr. BURNS. I appreciate the concerns of the Senator from New Mexico, but the shift of trying to direct our dollars into quality of life caused some of that in some areas.

So with that, I really believe that there is as much fairness and thrust in this bill as we could possibly have and still complete the mission of military construction.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I yield 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. MCCAIN. Mr. President, I congratulate Senator BURNS and Senator REID for a very fine piece of legislation. I would like to talk about some of the details of it. But the issue before us is the Bingaman amendment.

Mr. President, I support the Bingaman amendment. I want to just point out one simple fact. If you asked the military leadership in this country what their priorities are, ''If you had $300 million, what would you do with that money,'' I promise you, Mr. President, that military construction would be somewhere around seventh or eighth on their priority list. And the fact is that we add money for military construction because it helps us as Members of the U.S. Congress.

Mr. President, if I had $300 million in addition, I would take it and modernize the force, I would provide more steaming hours and flying hours, and I would try to reduce the backlog of depot maintenance, which in some cases is 3 or 4 years. There are myriad uses that I could find for this money before military construction, and the military leadership in this country will tell you the same thing. If they had requested $300 million in addition, it is nowhere to be found.

So, Mr. President, the point is that it is not that these are not good and worthwhile projects that the committee has earmarked for. In fact, they meet the criteria. And I want to congratulate Senator BURNS and Senator REID for adhering to the criteria that we have laid down in the authorizing committee and now has been adopted by the appropriating committee. It is not that they are not good projects. It is all a matter of priority as to where we spend the taxpayer dollars.

The Bingaman amendment, in my view, Mr. President, has nothing to do with the quality of the projects for which these moneys are being spent. It all has to do with the priorities of where we spend taxpayer dollars that are earmarked for defense.

This bill is $300 million more than that requested by the President of the United States and requested by the Pentagon.

Mr. President, the issue is very much more complicated than that. I want to say again that Senator BURNS, Senator REID, and the subcommittee have come up with a good bill. They made progress over the last year, and begin to limit add-ons of unrequested military construction projects.

Last year, the Congress added over $1 billion for specific unrequested military construction projects. This bill, although I believe it is too high in total, adds only about half of that amount.

I am particularly pleased that the committee apparently, as I mentioned, adhered to the stringent criteria adopted in last year's Defense authorization bill. And there are many laudable provisions in the bill, including approval of the new family housing initiative; increased emphasis on environmental restoration funding for the BRAC accounts; no funding for the requested Army museum; they deleted land transfer language which was contained in the House bill; authorization for the Services to use barracks construction funding for renovation, if that would be a less costly alternative; and a specific requirement that all projects must be specifically authorized, since the bill contains projects which are not in the Senate version of the authorization bill.

Finally, I am particularly pleased that the Appropriations Committee chose to give more visibility to the ongoing efforts to renovate the Pentagon complex.

There are two areas where I am very disappointed in the recommendations of the Appropriations Committee. First, the $300 million add-on—and, as I repeat, I have not heard from one of the military service chiefs that military construction is their highest priority. And it is about time, I say to my colleagues, that we listen to the military as to their priority rather than our own.

Mr. President, at the full committee markup, an amendment was offered to add another $250 million in unrequested projects to the military construction budget above the request and above the subcommittee's mark. I argued against the amendment at the time because I believed that these additional funds would be better used for higher priority requirements of our military service chiefs or to meet the must-pay bills for ongoing contingency operations. Secretary Perry requested $1 billion in order to pay for ongoing contingencies which will not be canceled in the upcoming year. We authorized $125 million, not the $1 billion. That is one area where these additional add-ons could have gone.

Ultimately, the Armed Services Committee chose to authorize half that amount, an additional $125 million of the total of $7 billion added to the budget request for military construction above the total amount requested in these accounts. While all of these additional projects also met the established criteria, I continue to believe unrequested military construction projects should not be funded while validated military requirements go unfunded.

I will work very hard during floor consideration and conference with the House National Security Committee to limit the total amount of add-ons to not more than the level recommended by the Senate Armed Services Committee. Therefore, I urge the appropriators to make those reductions in the bill today in the form of the Bingaman amendment.

Mr. President, the bill language directs the Department of Defense to include funding in 1997 budget requests for three specific projects:

A new national range control center at White Sands missile range in New Mexico; a child development and galley facility at Fallon Naval Air Station in Nevada; and a new construction project at Fort Lawton, WA.

Mr. President, we do not need to do those kinds of things. Let us let the Pentagon make the recommendations themselves.

Mr. President, during this first year using the evaluation criteria for Member add-ons which was adopted last year, I have discovered an oversight which I hope to correct for next year's budget review. I intend to add to the established criteria a requirement that requests for add-ons be screened for priority against the relevant service's unfunded military construction priorities.

For this year's bills, I have asked my staff to work with the military services to verify that each of the unrequested military construction projects added by Congress are the next highest priority projects for the services. I also believe it would be useful for the Department of Defense to do their part and temporarily withhold obligation of funds for unrequested military construction projects which are determined to be low priority. I am preparing a letter to the Secretary of Defense suggesting that he request congressional approval to transfer any funds appropriated for low-priority projects to higher priority military construction projects.

Mr. President, the good news is that the total amount of military construction add-ons this year will be significantly less than the $1 billion added last year. In just 1 year that is significant progress. The bad news is that when additional funds are available for defense, it is difficult to argue successfully that none of these additional funds should be spent for military construction projects. But even with the additional defense funding, must-pay bills and high-priority military requirements go unfunded. We still have a long way to go in the fight to eliminate unnecessary spending from the military construction bill.

I wish to congratulate Senator BURNS for a good bill and the fine work that he and his staff and Senator REID and his staff have done. We do not need the $300 million in addition.

If the Bingaman amendment fails, then, Mr. President, I will be compelled to vote against the bill.

I urge all my colleagues to vote for the Bingaman amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Arizona has 1 minute 20 seconds.

Mr. MCCAIN. Mr. President, I yield back the remainder of my time to Senator BINGAMAN.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BURNS. I yield 7½ minutes to the distinguished Senator from South Carolina [Mr. THURMOND].

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to compliment Senator BURNS and Senator REID for their leadership in bringing this bill to the floor. They have done a good job.

In large part this military construction appropriations bill mirrors the construction priorities and criteria for projects established by the Armed Services Committee. I am particularly pleased by the emphasis placed on projects that will enhance the quality of life of the men and women in our military and on projects which will enhance the readiness of our Armed Forces. The bill also fully funds the base closure account request and provides the necessary funds to support environmental compliance projects. Both are areas which have historically been used as sources of funds for other projects.

Mr. President, I believe this is a sound bill, and I urge my colleagues to support it.

Because I believe this is a good bill, I oppose the Bingaman-McCain amendment.

There should no longer be any doubt that the administration's proposed defense budget is underfunded. Although Secretary Perry increased funding for quality of life construction projects over the next 6 years by $2.7 billion, there are very serious shortfalls in the Department's military construction programs. Let me identify just a few of the most startling:

According to the Congressional Research Service the current backlog of deferred maintenance and repair for family housing alone totals over $2 billion; Air Force Housing units do not measure up to contemporary standards; 75 percent of the Army's family housing does not adequately meet Department of Defense Standards; 80 to 85 percent of the Army barracks do not meet current Department of Defense Standards; the Navy's current funding requirement for revitalization of family housing is $1.7 billion; and, at current funding levels it would take over 40 years to eliminate the space and revitalization backlog for Navy and Marine Corps housing.

Mr. President, in addition to these startling figures, there are requirements for new mission facilities that are not being addressed in the administration's budget request. There are both active and reserve units which have been assigned new missions or new equipment but have not been provided the facilities to accomplish their new missions or support that equipment. This military construction appropriations bill provides for some of those shortfalls.

Because there are always allegations that some of the projects in the bill may be wasteful, I had my staff review each project. They reported that to the best of their knowledge each project that is in this bill but not in the Armed Service Committee's bill meets the same rigorous criteria that Senator MCCAIN and Senator GLENN, the chairman and ranking member of the Readiness Subcommittee, impose on projects included in the Armed Services Committee's bill.

Mr. President, some of my colleagues may not appreciate the additional funding and construction projects included in this bill. However, I am confident that the men and women of our armed services and their families who will benefit from these projects will be most appreciative.

I ask my colleagues to support the bill and vote against the Bingaman-McCain amendment.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I yield 5 minutes to the distinguished Senator from Missouri [Mr. BOND].

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. BOND. I thank the Chair and I thank the managers of the bill for giving me this opportunity.

I rise as a Senator from Missouri and, as important, as cochairman of the National Guard Caucus to register strong objections to this amendment. I appreciate very much the thoughtful comments of the distinguished chairman of the Armed Services Committee. I think his report on the review done by his staff on these projects should allay any fears that any of our colleagues may have about the projects in this bill.

As has already been noted, the Senate this year was again forced by the administration to make sure that defense infrastructure would be adequately funded. Active force infrastructure has traditionally been adequately funded, or at least better funded, whereas the National Guard forces traditionally have been underfunded. Why has it been this way, many have asked? The answer which is whispered through the halls of this building is that the Department of Defense relies on Congressmen and Senators to take care of the Guard. It is no accident that most of the people in the Pentagon are active military, and they realize that if they take care of their needs, they hope those of us who live in the real world will take care of our citizen soldiers. We have done so before. We are trying to do so now and we will in the future, because most of us—I think a significant majority of this body—care about the welfare and the readiness of the National Guard and the Air National Guard even if there are some who do not.

Now, this year the administration proposal funded the Army Guard infrastructure to the tune of $18 million—$18 million for the entire Army Guard infrastructure for all 50 States and Puerto Rico; $18 million for the entire Army Guard as against $473 million for the Army, which in and of itself was shortchanged by some $38 million by the administration.

If the Senators respect our citizen soldiers and the vitally important missions that they provide in our States, as well as in support of our national defense mission, then they must rectify this shoddy treatment of those who protect us.

My colleague from Montana, the distinguished chairman of the subcommittee, and his ranking member, the Senator from Nevada, have done just that. They have done it with strict adherence to the rigorous set of standards for the necessary quality of life and readiness projects included in the mark of the bill that came out of the Appropriations Committee.

The Air National Guard received $85 million, approximately half of the funding required for much-needed projects.

Let me state that in my State of Missouri, for instance, we had sought money, and this bill provides money, to improve sewer systems in order to ensure that our disaster relief headquarters, located at an Air National Guard facility, can be utilized during flood disasters. Do the sponsors of the amendment want to deny the citizens of Missouri adequate protection?

I found with great interest, as I looked on page 45 of this bill, that the State of New Mexico has this same kind of project. It happens to be that the storm drainage system and other storm drainage system provisions, two different provisions for New Mexico, are included because they happen to be at active bases.

I do not believe that our needs for disaster relief protection and services are any less because they happen to be at an Air National Guard facility rather than an active base.

The distinguished chairman of this committee considered each of the programs added to this military construction bill for the practicality of it being executed in fiscal year 1996, assured it was the highest priority for the base commanders and the National Guard tags, site availability, its inclusion in the FYDP and its overall quality of life and readiness importance. These are critically important projects, and I am very pleased that the managers of the bill decided to include these measures in this appropriations measure.

If any of my colleagues are thinking about voting for this amendment, let me assure you, it is to turn your back on our National Guard personnel. Currently, this is the only place we have to maintain the infrastructure readiness and the quality of life necessary to make sure our National Guard can function in its civil and national defense mission. We are trying to get the administration to acknowledge the Guard's requirements, but let us not hamstring our Guard for the administration's shortsightedness.

I urge my colleagues to support the managers of the bill and to defeat this amendment.

I yield the floor, and I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. DOMENICI. Mr. President, I rise in opposition to the amendment to reduce funding in the military construction appropriation bill by $300 million.

The committee used stringent criteria for producing this bill. As I understand them, projects were selected if they met one of the following minimum criteria.

The project is included in the Defense Department's future year's defense plan; the project can be executed in fiscal year 1996; the project is authorized in fiscal year 1996; or the project is the highest priority for the base.

Mr. President, I think these criteria are reasonable and I believe the subcommittee has done an excellent job in producing this bill.

The 1996 budget resolution provided an additional $7 billion in budget authority and $2 billion in outlays above what the President requested.

These additional funds can only be used for defense activities.

Certainly some of these funds should be used to adequately fund military construction and family housing projects which are key to readiness and quality of life for military personnel—and this is exactly what the Appropriations Committee did.

I urge my fellow Senators to vote against this amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time at 10:20 be extended for 5 minutes; that the proponents of the bill have 5 minutes and those opposing the bill have 5 minutes and that will close debate. We will yield back the rest of that time.

I ask unanimous consent that the vote occur on or in relation to the Bingaman amendment No. 1834 immediately following the stacked votes relating to the rescissions bill, which will begin at approximately 11 a.m. this morning.

Mr. BINGAMAN. Reserving the right to object, I just want to be sure I will get the opportunity to sum up and make the case for my amendment last.

Mr. REID. That is appropriate.

Mr. BINGAMAN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I think the last two statements have told it all. I do not think anyone would consider the chairman of the Armed Services Committee, the senior Senator from South Carolina, a big spender. I do not know of anyone in the history of the U.S. Senate that has had more of a reputation for watching where the pennies go than the Senator from South Carolina, and he has stated that this amendment should be resoundingly defeated.

We also have heard from the chairman of the National Guard Caucus and, in effect, he has also said that the Pentagon tends to protect its own and they do not really consider their own the National Guard and the Reserve component of the military. They would rather use the money on their own and, therefore, traditionally what they do is nothing regarding the Guard and Reserve. We for many years have had to be the spokesperson for the Guard and Reserve. That is not the way it should be, but that is the way it is. The Guard and Reserve deserve more than what this administration and what the Pentagon has given them in this budget and budgets gone by.

Mr. President, this add-on, as we call it, is not for anything that is lavish. What we are saying is that we believe that family housing is important. Family housing is important. We have people living in homes with their families, homes over 50 years old, built during the Second World War and built to last during that war. The war is long since gone and people are still living in those homes.

As the chairman of the subcommittee has announced, there are facilities in the United States where people cannot live on base. They are living off base. Because it costs so much money, they have to draw food stamps, even though they are part of the U.S. military. That is wrong.

We also are concerned in this bill about single soldier barracks. We think they deserve more. Facilities were constructed very rapidly during the Second World War and were to last through the war, and now 50 years later, soldiers are living in the same places. They deserve more.

We have been very frugal as it relates to officers housing. There were numerous requests for housing for general officers that we did not honor. We went and looked at family housing and single soldier barracks.

These add-ons are not a budget buster. All Members should understand, we are not busting any budget. We are totally within our 602(b) allocation, but we felt our Guard and Reserve deserve more than what they were given by the Pentagon and by this administration.

The committee evaluates rather than the Pentagon. It is as simple as that. That is not the way it should be, but, Mr. President, that is the way it is. The budget requested by the Department of Defense has, once again, in past years neglected to address the military construction needs of the National Guard, both Army and Air.

I say to the senior Senator from Arizona, there are lots of other places these moneys could be spent, but this is a Military Construction Subcommittee budget and that is where we are obligated to spend the money, not on giving the Navy more days to practice their specialities in the water, doing all the things that the Senator from Arizona indicated should be done. We recognize there is a lot more need in the military, but in the Military Construction Subcommittee, we have put the money where it should best be spent. I have not heard anyone say these projects are not worthwhile. They are needed.

The administration requested only $182 million for the Guard and Reserve, compared—listen to this—to $574 million appropriated last year. This year's recommendation is 20 percent less than last year, $452 million.

Also included in this bill, as I have indicated and as has been spoken by the Senator from New Mexico, is a $161 million appropriation to begin renovation of the Pentagon. That, too, was put up earlier as part of the history of this country. It is badly in need of repair, and we are beginning that. That is also a burden on this budget.

This bill, I again indicate and emphasize, is a long-overlooked quality-of-life initiative, particularly in family housing and barracks. These initiatives make up nearly one-third of the total military construction markup.

We should be given some credit for that, Mr. President. These are not programs that are wasteful. The chairman of the full committee, the Armed Services Committee, has come here and said this is important. We must do a better job for the people that are defending our country. During times of crisis, the Guard and Reserve are called upon, and in the future, with the cutbacks we have had, they will be called upon even more. We must recognize that it is necessary to fund this bill as outlined.

The PRESIDING OFFICER. The Chair advises that the manager's time has expired.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, am I correct that there is an additional 5 minutes reserved for me?

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, let me make the obvious point here that this is not a question of whether people support the military, or the National Guard, or family housing, or money for base realignment and closure. The President, in the budget sent to this Congress, asked for an increase of just about 20 percent in military construction from last year for military construction and family housing both.

There is a request for $605 million—an additional $605 million—for family housing, above what we had last year. There is over $1.2 billion in additional funding to carry out base realignment and closure.

The amendment that I am offering in no way interferes with any of that

funding. The amendment that I am offering says that, in addition to what the President requested, the subcommittee can add $474 million of add-ons. But they should not be able to go above that. It should not be $774 million of add-ons. That is all I am saying. Let us keep the amount spent in this area within the confines of what the administration requested.

Mr. President, we have two standards in this Senate and in this Congress. It is one standard when it is military spending and a totally different standard when it is domestic spending. You are seeing a very good example of it in the arguments being made around here right now.

Deficit reduction was a big issue in this Senate last month. I remember lots of speeches last month, the month before that, and the month before that, about how we have to make tough decisions. The time has come, and business as usual cannot continue. The American people want some change; they do not want excessive spending in these areas. Well, that is what this amendment is about.

All this talk about the National Guard—all of the requests for the National Guard that are being funded could be funded in the $474 million of add-ons that we are not in any way interfering with. The family housing—the $605 million there—we are not interfering with that. The simple fact is, Mr. President, the additional $300 million that is in this bill, which I am now proposing we strike, is not a priority for the military; it is not a priority for the country.

The Senate needs to go on record about whether we are serious about deficit reduction. We are very good at giving speeches, going home and saying, boy, we are really doing the right thing, and we are making the tough decisions. This is not that tough a decision, Mr. President. This is $300 million that the military says is not a priority. There is no reason why we need to be going ahead and spending it. That is the simple issue.

I believe the taxpayers of this country would support our amendment to delete this $300 million and have it available for a higher priority—military use, or have it able for some domestic use, which would be a higher priority—or apply it to deficit reduction, which is what the amendment calls for. It essentially says let us not spend that $300 million which is not a priority.

So that is the amendment. I hope very much the Senate will support it. I think the people send us here to Congress to make tough decisions about what our priorities are. If deficit reduction is a priority, people ought to vote for this amendment.

I appreciate the chance to explain the amendment.

I yield back the remainder of my time.

Mr. BURNS. Mr. President, one-third of this BRAC is living conditions, and the rest of it is for readiness. We must never forget about that. By a previous order, this vote will come in the stack with the rescissions votes.

I move that this amendment be tabled, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, reserving the right to object, how many votes are being stacked?

The PRESIDING OFFICER. The Chair advises the Senator from West Virginia that according to this agreement, there would be four.

Mr. BYRD. Would there be an explanation of the vote just prior to taking that vote?

Mr. BURNS. I say to my friend from West Virginia, that has not been established. But I have no problem with that. Do we need a minute on each side?

Mr. BYRD. Four minutes equally divided, how about that?

Mr. BURNS. I have no problem with that.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1944, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1944) making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Wellstone/Moseley-Braun Amendment No. 1833, to strike certain rescissions, and to provide an offset.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, first of all, I would like to take this occasion to thank Senators WELLSTONE and MOSELEY-BRAUN, the minority leader, the majority leader, the White House, and all the participants who have sought to resolve this issue and bring this to a vote on the rescissions package. I also thank Senator BYRD, as our ranking member of this subcommittee, for giving leadership in every instance of this committee's activity. And I especially want to thank Senator BYRD for his participation, as well.

Mr. President, the Wellstone amendment adds back $651 million into the rescissions package, or reduces rescissions by that figure; $332 million for 8 education and job training programs; and $319 million for the Low-Income Energy Assistance Program.

These add-backs are over and above the levels for these programs negotiated with the President of the United States, the White House, the House of Representatives and the Senate, as well, and this includes the Democratic leadership of both the House and Senate.

In the case of youth training, education technology, and the Eisenhower Professional Development Programs, the add-backs in the Wellstone amendment exceed the levels agreed to in the so-called Dole-Daschle compromise. That was back when the rescissions package was being acted upon by the Senate. And the Dole-Daschle compromise became our point of reference, our guidelines in the conference with the House of Representatives. That was the original rescissions package.

Let me emphasize again that in those areas, the Wellstone amendment exceeds those levels that this Senate passed. The provisions of H.R. 1944 are the product of extensive negotiations over several months.

To add back funding for these programs at this time jeopardizes the enactment of this bill. I say that because of the fact that if we change this bill, it goes back to the House of Representatives again for an action, and if the House of Representatives refuses to adopt any changes that we have made in this rescissions package at this time, they can demand a conference, and we would be back into that process of a conference. Notwithstanding that, we would be thrown back in the situation of negotiating again with the White House, who vetoed the first bill.

To add back funding for these programs at this particular time jeopardizes the enactment of this bill, which is an emergency supplement to assist in providing for disaster assistance, for antiterrorism initiatives, for assistance in the recovery of the tragedy that occurred in Oklahoma City, and for making rescissions.

Additionally, the Wellstone amendment jeopardizes funding for fiscal year 1996 for the very programs he seeks to protect. Without enactment of H.R. 1944, the Labor-HHS and Education subcommittee alone will be forced to absorb an additional $3 billion in budget authority and $1.3 billion in outlays within its already reduced allocations for 1996, because of the reduced budget resolution.

The committee already has a tough job ahead. Adoption of the Wellstone amendment would make that job even more difficult by putting off until another day on reducing the growth of Federal spending.

Mr. President, how many minutes did I use?

The PRESIDING OFFICER. The manager has 5 minutes and 40 seconds.

Mr. HATFIELD. I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, Senator HATFIELD is one of the finest chairmen that I have had the pleasure to work with and to observe during my 37—going on 37—years in the Senate. He has a bright intellect. He has an understanding manner. He is gracious always. He is a gentleman. He speaks with conviction. He is one of my real profiles in courage that I have seen during all these years. It is a pleasure to work with the Senator. I admire the Senator. I respect him, and hold for him the highest, very highest, personal esteem.

Mr. President, as Senators may recall, many months ago the Senate and House initiated an appropriations bill for urgently needed FEMA funds and that measure, H.R. 1158, contained rescissions which were more than sufficient to cover the FEMA supplemental request as well as additional, smaller supplemental items that were contained in that measure.

After House and Senate passage, a conference agreement on H.R. 1158 was reached and, after passing the House, was taken up by the Senate on May 25 and was adopted by a vote of 61–38. At the time, there were a number of Members on this side of the aisle who felt that the conference agreement should be defeated because it did not contain a number of the items that were included in the Senate bill, pursuant to the Dole-Daschle amendment.

Nevertheless, I urged the President to sign the conference agreement on H.R. 1158 because it contained the appropriations for FEMA disaster assistance of $6.7 billion. It also made a very sizable reduction in the deficit. We were told that by the end of May, or shortly thereafter, FEMA would no longer be able to obligate funds to finance relief efforts associated with the Northridge earthquake and with other declared disasters throughout the Nation resulting from floods and storms in 40 States.

Nevertheless, the President chose to veto H.R. 1158 and he set forth his reasons for doing so in correspondence to the Congress which accompanied his veto message.

Following that veto, the House and Senate leadership reached an agreement with the President on a package of changes to H.R. 1158. Those changes were incorporated into a new bill, H.R. 1944, which passed the House of Representatives some weeks ago. Senators may recall that during an attempt to pass H.R. 1944 prior to the Fourth of July recess, Senators WELLSTONE and MOSELEY-BRAUN exercised their right to insist that the bill not be passed under a unanimous-consent agreement and that they be allowed to offer amendments to the measure.

Negotiations with the leadership have been ongoing since the recess in order to find a way to accommodate Senators WELLSTONE and MOSELEY-BRAUN and to also ensure that the Senate finally pass this very important appropriation and rescissions bill and get it to the President for his signature so that its provisions can take effect. As a result of those negotiations, an amendment is pending which was proposed by Senators WELLSTONE and MOSELEY-BRAUN.

Mr. President, I fully understand the importance which Senators WELLSTONE and MOSELEY-BRAUN place on the program for which they are proposing addbacks. I also have no qualms with their proposed offsets for those addbacks—namely DOD administrative and travel expenses.

Mr. President, I compliment both the distinguished Senators. I admire them for their pluck, their courage and for their convictions. I wish that more Senators could demonstrate the same kind of courage and convictions and pluck. It takes courage. It takes courage to stand up in the face of criticism that was directed against them. I have no criticism of them.

I do have, as I say, a tremendous admiration for both Senators, fighting for what they believe in. Who can quarrel with that? After all, this is the Senate, the forum of the States, in which Senators can stand on their feet and speak as long as they wish to speak. I shall always defend their rights to do that. So I fully understand the importance of these programs. I share their views.

I will not, however, vote for the amendment because if either part of the amendment is adopted, that would cause the bill to go back to the House for further consideration. I do not know what the House would do at that point. I do know that further delay would be inevitable. Mr. President, it is time to end the months of delay that have occurred on this bill and send it to the President for his signature. He has indicated that he will sign it—he will sign it—in its unamended form.

I will reiterate the key provisions of the bill: It contains an appropriation of just over $6.5 billion for emergency disaster assistance for the victims of various disasters; under the Byrd amendment, the bill will reduce the deficit by approximately $9 billion; and the rescissions contained in the bill will result in a freeing-up of approximately $3.1 billion in outlays for fiscal year 1996 appropriation bills, which can be used for other purposes. This is so because the outlays which would have occurred in 1996 from the appropriations for which these funds are rescinded will no longer be required. This will help ease the pain for the various appropriation subcommittees with jurisdiction over important discretionary programs in achieving the deficit reduction targets for fiscal year 1996.

Mr. President, I once again congratulate the chairman of the committee, Senator HATFIELD, for the tireless effort he has put forth in helping to resolve the differences between the President, the House, and various Senators on these difficult matters. I know that a number of Senators are still displeased with this bill but, on balance, I believe that it deserves the support of the Senate for the reasons I have set forth.

The need to pass this rescission bill cannot be overstated. The Appropriations Committee has begun its work on the fiscal year 1996 bills. Failure to capture the outlay savings contained in this bill will make things even more difficult in the weeks ahead when the Senate takes up the fiscal year 1996 bills.

Several subcommittees are planning to mark up their bills next week. However, whether they are in compliance with their allocations is linked to action on this bill. In the case of the Interior bill, for example, it means a difference of over $100 million. So if we don't pass this bill, the Interior Subcommittee will have to go in and cut over $100 million in addition to the over $860 million already being cut below this year's level.

The PRESIDING OFFICER. The Chair advises that the Senators from Illinois and Minnesota have 30 minutes.

Mr. WELLSTONE. Mr. President, if I could get the attention of the Senator from West Virginia, I thank the Senator for his gracious remarks. It means a great deal to me personally and I am sure to Senator MOSELEY-BRAUN as well.

Mr. BYRD. I thank the Senator.

Mr. WELLSTONE. Mr. President, principle and people, not power and prerogatives, that is what this debate is about.

Two Fridays ago we came to the floor and we said, regarding these kinds of cuts in programs that have such a dramatic impact on people's lives in our States and around the country, this cannot be a Stealth Senate, we demanded the right to have debate, to introduce amendments, and to have those amendments voted on. Now that will happen. That is a victory.

There would have been more amendments, but in one area, where I could not understand why in the world the Senate was making cuts, a counseling program for elderly people so they do not get ripped off on some of the health care plans that are presented to them, that money has been restored through reprogramming—a victory.

But it is about more than power and prerogative, it is about principle and it is about people. We gave our word from the very beginning that we wanted the opportunity to have these amendments on the floor. It has taken 2 weeks of tough negotiations for that to happen. We wanted this to be done in an accountable way. And we live up to our word.

But there is more than power and prerogative here. Last night the majority leader—it is his prerogative—decided we would get started on this bill at 10:30 or 11 o'clock at night, to use up time. Why not have more of the debate during the day when people in the country can observe it and make up

their own mind? That is prerogative. That is power.

The majority leader has also made it clear to everyone in this Chamber that if his motion to table our amendments—there will be two separate votes—does not succeed, he will pull the bill. What is this all about? The majority leader says, and I want to make it clear: If you should succeed, Senator WELLSTONE and Senator MOSELEY-BRAUN, I will pull the bill. That is power and prerogative.

But let me please talk about people. The Low-Income Energy Assistant Program, the total cost was $1.3 billion—about the cost of one B–2 bomber. And Senator BYRD and Senator HATFIELD and Senators, when you voted this bill initially out of the Senate, you voted for that full expenditure. You have not contradicted your vote when you vote on low-energy assistance today. But in this deal, that we in the Senate had nothing to do with, we saw a 25-percent cut, $319 million.

Mr. President, I come from a cold-weather State. For most of the low-income energy assistance people it is not an income supplement, it is a survival supplement. Mr. President, 53 percent of them work at low wages; 32 percent are senior citizens; 41 percent are households with small children; 50 percent earn under $6,000 a year. And there are about 300,000 people in my State that depend on this, and many more would be eligible but the funding levels have been cut so dramatically over the years we cannot even help all the people that need some assistance.

I thought we are all our brothers' and sisters' keeper. But please remember it is not just heating assistance, it is cooling assistance. My God, 450 people in our country have died in the last week and a half, 2 weeks; elderly, most of them poor, no air-conditioning, no cooling assistance. And we are cutting this program. What does this say about our priorities? GAO report: ''Travel Process, re: Engineering. DOD Faces Challenges in Using Industry Practices to Reduce Costs.'' All about waste in Pentagon travel budget.

Washington Post series, ''Billions Go Astray, Often Without A Trace: Defense Department.''

In the LIHEAP amendment I just say, can we not transfer $319 million from all this waste and put it into the Low-Income Energy Assistance Program? Mr. President, my colleague from Illinois will talk with eloquence and power about job training programs for dislocated workers, about job training programs for veterans, about children's programs, education programs. I have not met one Minnesotan in one cafe who has said to me, ''Senator, when you do this deficit reduction, cut those job training programs for dislocated workers.'' Mr. President, all of my colleagues need to understand, when we talk about the Low-Income Energy Assistance Program, which will be the first vote, the House of Representatives has zeroed it out. They did it at 3 a.m. last week. They zeroed the program out. This vote today is all about whether we are going to continue it. That is the meaning of this vote.

There is power and prerogative, and some people here are saying, ''If I loose, I will pull the bill.'' But what about the people in the country who lose? Many Senators signed a letter saying there ought to be the $1.3 billion, that is not too much. Forget the power and prerogative, forget the deal, I say to my colleagues. If we restore this funding for the Low-Income Home Energy Assistance Program, it will go to the House of Representatives and it could be back here at 1 p.m. We all know that. And you cannot say to the people you represent: I am sorry, you go without heating assistance, you are going to be homeless, or you are going to be cold, or you are going to die because of summer heat, because we made a deal with the House and it will take us a few extra hours to pass this bill. My God, I do not see the values behind that kind of position.

I am sorry the White House was a part of this deal. I am sorry the deal was made late at night and then it came over here. And we made it clear we were not going to just let it sail through.

But I say to my colleagues, you do not represent the White House. It does not matter whether you are a Democrat or Republican, we took the position before in the Senate that there ought to be adequate funding. You represent the people back in your States. And people are counting on you.

So I say to my colleagues, this is not about power and prerogative. This is about people and principles. I appeal to every Democrat and every Republican, please, Senators, do not be generous with the suffering of other people.

Let me repeat that. These are not statistics, these are not charts, these are not deals, these are not abstractions. Whatever State you come from, hot weather or cold weather, whether you are a Democrat or Republican: Please do not be generous with the suffering of other people. Vote your principles. Vote for what you believe in. We should win this vote.

I yield the floor. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Chair assumes you are dividing the time.

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. In which case you would have 5 minutes 50 seconds.

Mr. WELLSTONE. I will reserve that time. I yield to my colleague.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. Thank you, Senator WELLSTONE, for that passionate speech, and one which, I think, sets the tone for the debate on this amendment.

At the outset, I want to add my thanks to the Senator from West Virginia, Senator BYRD, for his kind and complimentary remarks. Frankly, I can think of no higher compliment than to be commended by a Senator who is known worldwide as the dean of the Senate and, indeed, the historian of the Senate. And I can think of no one who has a greater respect for the traditions of this institution and the importance of that tradition than he. So, to have him give such a kind compliment this morning is a singular honor, and I am very grateful to him for it.

I also thank the Senator from Oregon for his diligence in working with us on this matter, because it is something about which both Senator WELLSTONE and I, and I hope many other Senators, feel strongly.

Mr. President, I spoke to the issue of priorities last evening, and I will touch on that again. But I want to speak, really, more in a legislative context, about what it is that is going on here and what we have done and what we are attempting to do. There is an old expression that those who love the law and who love sausages should not watch either of them being made.

So it is with H.R. 1944. To read the title of this bill, it says, ''Making emergency supplemental appropriations for additional disaster assistance.'' Nobody can be against disaster assistance—for ''antiterrorism initiative''—something we all would applaud—for ''assistance in the recovery from the tragedy that occurred at Oklahoma City.'' Again, something for which I know there must be unanimous consent.

And here comes the poison pill: And ''making rescissions for the fiscal year ending September 30, 1995, and for other purposes.'' That is the rescissions portion of this legislation that gives rise to this amendment and the controversy that we have had over the last few weeks.

The rescissions portion of this legislation has several aspects to it that I think all Senators ought to a pay attention to. In the first instance, it is, as Senator WELLSTONE points out, a matter of priorities, a matter of principle, a matter having to do with the direction we take as we proceed on the glidepath toward a balanced budget.

In this Senate the members of the Budget Committee adopted a budget resolution which had, on the one hand, the good news that it began to put us on a glidepath toward a balanced budget and began to assert that we were going to begin to get our fiscal house in order.

Mr. President, as a supporter of the balanced budget amendment I could not have been more pleased that we had started in the direction of getting our fiscal house in order and beginning to achieve budget balance. However, Mr. President, this is why this amendment is so important. I was very concerned with the budget resolution, as I am with H.R. 1944, that the approach that we take toward a balanced budget

does not fall on one segment of Americans, particularly the most vulnerable Americans, to make more sacrifice, to give more than they can afford to give than any other group of Americans. That is essentially the issue of priorities that is raised in this Wellstone/Moseley-Braun amendment.

Some 62 percent of the cuts in this rescissions portion of this bill come from programs that serve low-income individuals. As we approach balanced budget, I think we have to, as we take the first step toward a balanced budget, ask ourselves a question: As a nation, are we going to call on low-income individuals to make more of a sacrifice than middle-income individuals, than middle-income communities, more than the wealthy?

Without talking about class warfare—this is not intended to be class warfare, Mr. President—the point is we have to take a look at the whole of what we do because a budget is not just about numbers. It is not an abstract exercise. A budget is about people and about priorities, and it makes some very profound statements about the direction in which we intend to have this country go.

Unfortunately, the cuts in this bill, as the first step to the budget exercise, suggest a set of priorities and a direction that I think is most unfortunate. In the first instance, Senator WELLSTONE talked about the cut in low-income heating assistance. That can have real dramatic and particular effect on hundreds of thousands of low-income individuals, particularly senior citizens, all over this country.

The second place that concerns me greatly has to do—and this is the second division of this amendment—with the cuts specifically in the area of education and job training. We are calling upon our children to make sacrifices and to make cuts that we are not calling upon our generals to make, Mr. President. And that, it seems to me, is poor public policy.

Specifically, the bill eliminates the education infrastructure program which is designed to help rebuild some of the dilapidated elementary and secondary schools around this country and the safe and drug-free schools and communities program. These cuts do not take into account that thousands of young people in many communities across this country cannot learn, cannot get to school because of the drug wars that rage in too many of our urban centers and our communities across this Nation overall.

This bill would cut the Education Technology Program—who would argue the point but that we need to make certain that our young people are equipped to go into the 21st century with the same access to education, technologies, and innovations of the information age as any other group of youngsters anywhere else in the world? We are relegating and, frankly, dooming our own youngsters to be in a second-class position when it comes to competing in this international economy if we do not provide them with the tools, with the capacity, and with the access to technologies that they will need to be able to access in the 21st century.

The Eisenhower Professional Development Program—another education cut. Who would argue with the notion that we ought to promote the training of teachers so that the people who train our young people will be able to give them a world-class education.

Those are where the education cuts come from, Mr. President, in this rescissions bill. And that is one of the reasons why we have argued that as a matter priority, we ought to send a signal that it is not acceptable to us that our youngsters take these kinds of cuts, that the initiatives that we have for education, which is our investment not only in the future but our investment in the present, in our human capital, in our human infrastructure, that these are not cuts that ought to be made in this legislation.

To go further, the second part of the cuts in this division of the amendment has to do with job training. If you want to talk about vulnerable populations, I would point out at the outset that one of the first cuts that this second part of the rescissions bill makes is against job training for homeless veterans. How we can say it is OK to cut job training for homeless veterans and not offset those cuts with money from the travel and administrative budget out of the Department of Defense is incomprehensible to me.

Homeless veterans programs get cut in this legislation as does displaced worker training. Displaced workers, people laid off from their jobs from the base closings, or from some event in the various downsizing going on, need assistance to make the transition so their families do not have to go through the trauma of being dependent on welfare and public assistance. Yet, we are going to cut displaced worker training in this legislation.

Mr. President, I know areas certainly in my State of Illinois in which there is 1 percent private sector employment—1 percent. It sounds almost incomprehensible that we could have that kind of economic meltdown in any part of our Nation. With 1 percent private sector employment, and in some instances as high as 89 percent unemployment among teenagers, how then do we say, well, we have to get this bill passed because we do not want it to go back to the House and then go ahead and cut some $272 million out of job training for teenagers who do not have any other option.

That is what is at stake, Mr. President, with this legislation. And I submit to my colleagues, as I did last night, and I spoke to this bill last night, that the real significance —the cuts are bad enough—but the real significance is the direction that this puts us. Our assent to this legislation as it is currently written suggests that it is OK for the budget debate to go forward allowing for these kinds of cuts in these kinds of sensitive areas in which, if anything, we ought to invest our energies as opposed to withdraw our support, and that is the priority debate that we ought to be able to engage at this time.

An interesting thing happened here, Mr. President. This is one of the reasons for the emergency nature of this legislation. The budget that I referenced that has been adopted presumed that this legislation is already passed. The budget presumes that this is already done and it is OK, and we are just going to go forward down the path of trying to achieve balance based on not only these cuts but cuts that are slated to happen in future.

I would just point my colleagues to what has already happened in the House of Representatives with regard to education, with regard to job training, with regard to investment in people, and say, if this is not a precursor of things to come, if this is not the ghost of Christmas present, then what is coming out of the House certainly is the ghost of Christmas yet to come. And it will not be a very nice Christmas at all. Indeed, if anything, I believe that it will cause great strains in the social fabric of our country. I believe that it will put us on the wrong path and exacerbate not only wealth disparity, but exacerbate our inability to provide for a strong America in the future.

That, it seems to me, is the issue. There is no question, Mr. President, that as we address the whole issue of how we get on the glidepath to a balanced budget but that everybody is going to have to make a sacrifice.

I served on the President's Commission on Entitlements and Tax Reform. There is just no question but that we are going to have to have some budget discipline, but that we all are going to have to tighten our belts a little bit, but that we are going to have to have cuts in some areas.

I ask you if it is at all appropriate to have the cuts in areas that provide job training for homeless veterans? I ask you if it is appropriate for us to have the cuts in areas that have to deal with technology training for students? I ask you if it is altogether appropriate to cut the funding for heating assistance for low-income individuals in winter?

The Senator from Minnesota referenced the heat wave that we had in Illinois recently. Quite frankly, we have had over 376 deaths come from the heat wave. Illinois does not have a heating program under LIHEAP, although, frankly, it could. The point I make, there have been 376 deaths from heat this summer, but anybody who knows anything about this United States knows that we have a saying in Chicago: ''If you don't like the weather in Chicago, wait a minute.''

So this next winter is likely to be as cold as it was hot last week. Are we going to sit back and say, well, it is OK

that it is just too bad that those 376 people died. Is that part of the brutal equation that we are buying into as part of our approach to budget discipline? I do not think so.

I think, as Senator WELLSTONE has eloquently said, we should not be too generous with the suffering of others. Yes, we should make cuts, but those cuts should be fairly spread out; that sacrifice should be shared, and it should not fall on any segment of Americans, particularly the most vulnerable communities and constituencies in our country, to give more than their fair share.

Unfortunately, H.R. 1944 calls on the most vulnerable to give the most; those who have the least have to give the most under this bill. I hope this is not the direction that we will take as we engage in this budget debate.

I call upon my colleagues to look closely at what is in this bill. I read the title but look at what actually goes on here. I am not going to get into the debate about what it does for the environment. It has some environmental language that is in my opinion, atrocious. I will not get into that because that was not the focus of these amendments and we have limited time this morning, limited time that I will add, by the way, is unfortunate also because this ought to be a debate in which every Member of the Senate engages.

I ask my colleagues to look at the legislation. Read the bill. It may sound phenomenal but read the bill. It is not too much to ask. And then take a look at exactly where the fine print takes you. The fine print, in my opinion, takes you on a path on which we do not need to go, that frankly is beneath this great body.

I hope my colleagues will support this amendment, allow us to go back and revisit the issue of priorities, allow us to go back and revisit the shared sacrifice and have rescissions legislation and then as we go forward a budget that accurately reflects a vision for America that will give us a stronger America going into the 21st century and not one that is weakened by a shortsighted approach such as this.

The division we are debating here today would restore $319 million for the Low-Income Home Energy Assistance Program [LIHEAP].

I strongly support the LIHEAP program. This program helps economically disadvantaged individuals pay their heating bills during the winter. It also helps these individuals pay their cooling bills during unbearable heat waves like the one which recently swept across the country and is being blamed for up to 376 heat-related deaths in Chicago alone.

Last year, the LIHEAP program assisted 5.6 million households—including 200,000 households in Illinois—with an average income of $8,257.

Of these households, 55 percent included at least one child under 18 while 43 percent included at least one senior citizen.

Although the LIHEAP program is designed to help the neediest members of our society, its funding has steadily declined from $2.1 billion in fiscal year 1985 to $1.3 billion in fiscal year 1995. As a result, 20,000 eligible households in Illinois were denied assistance last year due to a shortage of funds.

I am convinced that further cuts in the LIHEAP program will force even more of our Nation's elderly to have to choose between putting food on their tables and heating their homes.

These cuts will also force energy providers to have to choose between not getting paid for the energy they provide and cutting off their neediest customers.

I voted for the original Senate rescission bill which did not propose any cuts in the LIHEAP program.

I voted against the conference report on H.R. 1158 in no small part because of the $319 million cut it would make in the LIHEAP program.

I urge my colleagues to oppose this cut by supporting the division that Senator WELLSTONE and I have introduced.

I will yield the remainder of my time to the Senator from Minnesota.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. KENNEDY. Mr. President, I strongly support the Wellstone amendment, which will restore funding for the Low-Income Home Energy Assistance Program.

Over 6 million people received aid with heating costs under the program last winter, including 143,000 households in Massachusetts. It also provided urgently needed relief in the previous winter, which was extremely harsh.

Three-quarters of the families receiving LIHEAP have incomes below $8,000. These families spend an extremely burdensome 18 percent of their income on energy costs, compared to the average middle-class family, which spends only 4 percent.

Researchers at Boston City Hospital have documented the heat-or-eat effect—higher utility bills during the coldest months of the year force low-income families to spend less of their money on food and more of it on heat. The result is increased malnutrition among children.

The study found that almost twice as many low-weight and under-nourished children were admitted to the Boston City Hospital emergency room immediately following the coldest month of the winter. No low-income family should have to choose between heating and eating.

But it is the low-income elderly who are at the greatest risk if LIHEAP is cut back, because they are the most vulnerable to hypothermia. In fact, older Americans accounted for more than half of all hypothermia deaths in 1991.

In addition, elderly households are much more likely than other families to live in homes built before 1940. These homes tend to be less energy efficient, and the elderly who live in them are at greater risk.

In addition, low-income elderly who have trouble paying their energy bills are often driven to rely on room heaters, fireplaces, ovens, and woodburning stoves in order to save money on central heating. Between 1986 and 1990, heating sources like these were the second leading cause of fire deaths among the elderly. In fact, the elderly were up to twelve times more likely to die in a heating-related fire than adults under 65.

LIHEAP is a program that makes a difference in all these cases. It makes a difference in human terms. It has been a lifeline to Edythe Aston, an 81-year-old elderly woman living in Melrose, MA. She received funding under the program to replace a dangerously defective furnace in her basement. Her furnace was in such disrepair that she said it could have either shut down altogether or exploded. The LIHEAP assistance she received not only allowed her to heat her house, it also gave her peace of mind that she was safe in her home.

Finally, LIHEAP also benefits communities through its job-creating impact on the local economy. As Robert Coard, president of Action for Boston Community Development, wrote in a Boston Globe article last month, LIHEAP ''employs large numbers of community people who may have trouble finding work in industries requiring sophisticated high-technology skills. Many are multilingual—a major asset for this program. The oil vendors who work with the program include many mom-and-pop businesses that depend on fuel assistance to survive. The dollars spent go right back into the economy.''

The winter of 1993–94 was an especially harsh one. For the entire month of January 1994, the average temperature in Boston was only 20 degrees, and the price of oil rose to meet the increased demand for heat.

LIHEAP should not be a partisan issue. If Senate Republicans are serious about helping and not hurting the elderly and low-income families, they will join us in restoring these funds. They will stop raiding the wallets and the furnaces of those who need help the most.

I urge my colleagues not to freeze out the Low-Income Home Energy Assistance Program, and to support the Wellstone amendment.

The PRESIDING OFFICER. The Senator from Minnesota has 5 minutes and 50 seconds.

Mr. WELLSTONE. Mr. President, parliamentary inquiry. Is there any other time on the opposing side?

The PRESIDING OFFICER. The only time remaining is the time of the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me just say to my colleague from Illinois that it has been a

real honor to be in the Chamber of the Senate with her throughout this last couple weeks.

I say to my colleague from Illinois that I think she is quite right about process. This is just a glimpse of what is to come in terms of really a lack of standard of fairness when it comes to who is asked to tighten their belt. And perhaps it is also a glimpse of what is to come in terms of trying to have a stealth Congress, where you make these cuts at 3 a.m. in the House, you make deals, and come over to the Senate.

I say to the Senator I believe, since this is a glimpse of what is to come, that for us this is just the beginning. This is just the beginning. This will become, I believe, a very important, historic debate in the Senate. I know we are very determined to make sure that happens.

Mr. President, I wish to just summarize because I had a chance to speak earlier, and I wish to speak to one thing I have heard said several times that I really want Senators to think about before they vote. I am just going to take the Low-Income Energy Assistance Program because we are going to have two votes, two different amendments will be voted on.

Mr. President, many Senators, Democrats and Republicans alike, are on record supporting the LIHEAP program. This $319 million that we are trying to restore from the Pentagon travel administrative budget is money that we voted for in the Senate. Senators are for this. The House has now zeroed it out after this deal was made. They have zeroed it out.

This is a vote that could very well determine the future of this program. But to vote to restore this funding is consistent with the position I think of a majority of Senators in this Chamber. It has nothing to do with contradicting the prior vote.

Second, Mr. President, just because the majority leader says if I should fail in my attempt to table these amendments—let us start with the one on LIHEAP—I will pull the bill, I doubt it. We have disaster relief for Oklahoma and California. Senator MOSELEY-BRAUN and I have been very consistent about this. That is why we said we wanted the right to have these amendments. We want some democracy; we want some openness here, and that is why we made it clear once we were able to obtain that right we will go forward. I doubt the majority leader will pull this bill.

Third, I say to my colleagues, it is a difficult argument for you to make back home to the people you represent, and I know you care about, that somehow you had to vote for these cuts in the Low-Income Energy Assistance Program that you do not support because this bill would then have to go back to the House and it would take a few more hours. This bill could go back to the House, and it could be back here at 1 o'clock.

Forget the deals, forget inside Washington politics and think about the people who we represent even if those people do not have the big bucks, even if they are not the heavy hitters, even if they are not the big players.

This vote goes to the whole question of the heart and soul of the Senate. Mr. President, 450 people have died in the last 2 weeks. Cooling assistance is part of this program. My colleague from Pennsylvania is one of the champions of this program. He would be the first to say that. Why are we cutting this program?

Mr. President, I just say this one more time. Whether it is a cold weather State, where this is not an income supplement, this is a survival supplement, whether we are talking about heating assistance or cooling assistance, the total appropriations for this bill were less than one B–2 bomber. And we want to take just $319 million out of a Pentagon travel administrative budget that the GAO says is bloated and wasteful, with all sorts of articles: ''Billions Go Astray, Often Without a Trace,'' and just make sure we have a modicum of funding for low-income energy assistance.

That will be the first vote. I will say it one more time to my colleagues. Before you vote, please think deeply about this. I appeal to Senators: Do not be too generous with the suffering of other people. We can restore this $319 million and we can send this bill over to the House, and it will be back here at 1 p.m. Convenience between House and Senate is an inside process and deals have nothing to do with justice and fairness and what we stand for.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may be permitted to speak for 4 minutes.

Mr. WELLSTONE. Mr. President, reserving the right to object, if the Senator is going to speak against our position, then I would ask for more time on our side.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. WELLSTONE. I would object unless we could have a unanimous consent——

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I ask unanimous consent that I be permitted to speak for 4 minutes and if the Senator from Minnesota chooses 4 more minutes, it be up to his discretion.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. The Senator from Nevada objects.

Mr. WELLSTONE. Mr. President, I would not object at all.

The PRESIDING OFFICER. Objection is noted.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may be permitted to speak up to 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I would object, but I would be pleased to have 3 minutes for the Senator from Pennsylvania and 3 minutes for the Senator from Minnesota and the Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is noted.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I would like the record to show that we were for all debate today. We wanted it during the daytime. This was not our decision.

Mr. REID. Regular order.

Mr. SPECTER. Mr. President, I ask unanimous consent that I be permitted to speak up to 2 minutes. This is my subcommittee's bill, and I have things to say.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I object unless we have 2 minutes to respond.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I ask unanimous consent that there be 4 additional minutes equally divided.

Mr. HATFIELD. Mr. President, I will have to object to that.

The PRESIDING OFFICER. Objection is heard.

All time has expired.

Mr. HATFIELD. Mr. President, I move to table the first division of the Wellstone amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE DIVISION I OF AMENDMENT NO. 1833

The PRESIDING OFFICER. The question occurs on agreeing to the motion to lay on the table division I of amendment No. 1833 offered by the Senator from Minnesota [Mr. WELLSTONE]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT] and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—57

Bennett	Byrd	Craig
Bond	Chafee	D'Amato
Breaux	Coats	Daschle
Brown	Cochran	DeWine
Burns	Coverdell	Dole

Domenici	Jeffords	Packwood
Exon	Johnston	Pressler
Frist	Kassebaum	Reid
Gorton	Kempthorne	Roth
Graham	Kerrey	Santorum
Gramm	Kyl	Shelby
Grams	Lott	Simpson
Gregg	Lugar	Smith
Hatch	Mack	Specter
Hatfield	McCain	Stevens
Heflin	McConnell	Thomas
Helms	Murkowski	Thompson
Hutchison	Nickles	Thurmond
Inhofe	Nunn	Warner

NAYS—40

Abraham	Feingold	Mikulski
Akaka	Feinstein	Moseley-Braun
Baucus	Ford	Moynihan
Biden	Glenn	Murray
Bingaman	Grassley	Pell
Boxer	Harkin	Pryor
Bradley	Hollings	Robb
Bryan	Kennedy	Rockefeller
Bumpers	Kerry	Sarbanes
Campbell	Kohl	Simon
Cohen	Lautenberg	Snowe
Conrad	Leahy	Wellstone
Dodd	Levin	
Dorgan	Lieberman	

NOT VOTING—3

Ashcroft	Faircloth	Inouye

So the motion to lay on the table division I of amendment No. 1833 was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that all remaining votes in the voting sequence be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I move to table the second division of the Wellstone amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON THE MOTION TO TABLE DIVISION II OF AMENDMENT NO. 1833

The PRESIDING OFFICER. The question occurs on the motion to table division II of amendment No. 1833, offered by the Senator from Minnesota [Mr. WELLSTONE].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT] and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—65

Abraham	Frist	Mack
Bennett	Gorton	McCain
Biden	Graham	McConnell
Bond	Gramm	Mikulski
Breaux	Grams	Murkowski
Brown	Grassley	Nickles
Bryan	Gregg	Nunn
Burns	Hatch	Packwood
Byrd	Hatfield	Pressler
Chafee	Heflin	Reid
Coats	Helms	Roth
Cochran	Hutchison	Santorum
Coverdell	Inhofe	Shelby
Craig	Jeffords	Simpson
D'Amato	Johnston	Smith
Daschle	Kassebaum	Specter
DeWine	Kempthorne	Stevens
Dole	Kerrey	Thomas
Domenici	Kyl	Thompson
Dorgan	Lieberman	Thurmond
Exon	Lott	Warner
Ford	Lugar	

NAYS—32

Akaka	Feinstein	Moynihan
Baucus	Glenn	Murray
Bingaman	Harkin	Pell
Boxer	Hollings	Pryor
Bradley	Kennedy	Robb
Bumpers	Kerry	Rockefeller
Campbell	Kohl	Sarbanes
Cohen	Lautenberg	Simon
Conrad	Leahy	Snowe
Dodd	Levin	Wellstone
Feingold	Moseley-Braun	

NOT VOTING—3

Ashcroft	Faircloth	Inouye

So the motion to lay on the table division II of the amendment (No. 1833) was agreed to.

Mr. BRADLEY. Mr. President, I would like to clarify one important question regarding additional legislative language in this bill governing the Community Schools Program passed last year in the crime bill. I appreciate the assistance of the chairman in ensuring that $10 million of the $26.5 million originally appropriated will remain available to assist communities that have designed programs to use school buildings for constructive activities for young people to keep them safe and out of trouble during the afternoons, evenings and weekends.

Additional language was added to the House limiting the use of funds somewhat further than in the authorizing legislation. After this rescission becomes law, funds may be used only for entrepreneurship, academic, or tutorial programs, or for workforce preparation. Although this is a slightly narrower definition than in the original authorization, it follows closely my original intent in developing the program, which was not to encourage purely recreational activities.

The Department of Health and Human Services has done a wonderful job of getting this program underway. Despite a tight deadline, more than 700 applications were received by the May 5 deadline.

Almost all of these applications feature the components that are identified as permissible under the modified requirements in this legislation. However, some of the best applications put these activities in a broader context, including activities such as mentoring and conflict resolution, in keeping with the purpose of crime prevention. Other applications focus on academic and tutorial activities, but address topics outside the underlying school curriculum, which is in keeping with the intent of the legislation, since we did not want to duplicate or subsidize existing school activities.

All of these applications were prepared and the initial evaluation conducted under the original, slightly less restrictive, authorizing language. I would be greatly concerned if HHS were required to start from scratch, reopening the application and evaluation process, in order to meet the most restrictive interpretation of these new constraints.

Therefore, I would like to ask whether it is the chairman's understanding that, under this new language, more comprehensive programs that center around the activities described, but set those activities in the context of a broader program of mentoring or related methods, would be permissible?

Mr. HATFIELD. I thank the Senator from New Jersey for his inquiry. My response is that, he is correct in his reading of this language. The intent is to ensure that academic, tutorial, or work and entrepreneurship programs constitute the primary feature of any local initiative funded through the Community Schools Program. I appreciate that there may be other activities or methods, such as mentoring, that are necessary as part of a more comprehensive program for youth. Community organizations that have already developed applications under the original authorization language should not be required to rewrite their applications to eliminate all mention of such incidental activities.

Mr. BRADLEY. I thank the Senator. I believe this will provide needed clarity to the Department and to the 700 community applicants. This said, however, I would reiterate the intent of this restrictive language: in making these grants, the Department of Health and Human Services should not fund programs that are primarily recreational in nature, or whose primary feature is not academic, tutorial, or directed at developing the potential of young people as workers or entrepreneurs.

Mr. HATFIELD. This is my view also, and I believe it will help to make this program successful.

CENTER FOR ECOLOGY RESEARCH AND TRAINING

Mr. LEVIN. Mr. President, I am concerned about the rescission contained in H.R. 1944 for the EPA Center for Ecology Research and Training in Bay City, MI. The bill rescinds $83 million from this planned facility, leaving about $10 million for close-out costs only.

This facility is very important to my State and I would hope the Appropriations Committee would consider at a minimum funding for the docking and maintenance facility component of the project in the fiscal year 1996 VA, HUD, and independent agencies appropriations bill. A docking and maintenance

facility is needed for EPA's Lake Guardian research vessel, which provides important monitoring and research in the Great Lakes.

Mr. BOND. I thank the Senator from Michigan for his remarks. Let me assure him that I understand how important this project is to his State.

The bill rescinds funds for this project primarily because EPA is in the midst of a major reorganization of its research laboratories. EPA already has 39 laboratories, and there is great concern as to whether a new facility is needed or can be afforded at this time.

I understand the plans for the center include a super computer center, a training center, a docking and maintenance facility, and environmental research and analytical chemistry laboratories.

As part of the Agency's laboratory reorganization, EPA should study whether the docking and maintenance facility is critically important in Bay City, and if so, determine the associated construction and operating costs. This information should be provided to the Appropriations Committee as soon as possible so that it may be considered in the fiscal year 1996 appropriation bill for EPA.

The committee will give close consideration to the Senator from Michigan's recommendation for this project, as well as information from the EPA. While I cannot provide any guarantees for funding. I ensure my friend from Michigan that it will receive our serious and careful consideration.

Mr. LEVIN. I appreciate the assurances of the distinguished chairman of the Appropriations Subcommittee. I hope he will also work with me to ensure that EPA is able to fulfill its legal and moral obligations to acquire and remediate, if necessary, contaminated properties where acquisition by EPA has begun.

Mr. BOND. I will make every reasonable attempt, within available funds, to provide EPA with the ability to satisfy the Agency's obligation.

Mr. LEVIN. I thank the Senator from Missouri. His assurances and those expressed by Congressman LIVINGSTON regarding this project, improve the future prospects for the dock and maintenance facility, if not the entire project.

Mr. GORTON. Mr. President, today the Senate will vote to adopt, and send to the President for his signature, H.R. 1944, the revised fiscal year 1995 rescission bill. The legislation before the Senate today is an important first step toward a balanced budget. Once we get to that balanced budget—roughly 7 years from now—the Nation will be relieved of a terrific burden on its people and our economy. There's another form of relief in the rescission bill before us today, and its specifically targeted at natural resource based communities across our Nation that have been destroyed by misguided Federal policies.

The emergency salvage timber provision in this legislation, which has been the subject of many intense negotiations over the past few days, was included in the original rescission bill vetoed by the President, as a way to provide some short-term relief to timber communities in my State.

For 6 long years, rural timber communities in my State have been under siege from their Federal Government, and the implementation of environmental laws that have neglected to consider the impacts of these laws on people. Federal agencies have gone literally unchecked in their imposition of regulations, and restrictions on people and their property, and, the cumulative effects of these actions have resulted in the destruction of rural communities and their way of life.

Mr. President, I know the people who live and work in these communities—Forks, Morton, Aberdeen Port Angeles, Colville—and I am proud to call them my friends. I get angry when actions by the Federal Government result in the destruction of their way of life. Forks, Washington is no different than any other rural community across America. What is different about Forks is that the community has largely been shut down. And what is different about Forks is that the Federal Government has done little, if anything, to acknowledge the fact that this community has forever been changed.

Today timber communities must fight for every log that gets to their mill. Timber communities fight against clever—and not so clever—environmental attorneys that file lawsuits to block Federal timber sales. If success is measured in the number of sawmills shut down, the number of small business with closed doors, the number of workers collecting unemployment checks, and number of close-knit families that have unraveled, then environmental extremists have been hugely successful.

It is fundamental to our ideal of the American dream that an individual have the ability to choose his or her livelihood. As a father and a grandfather, I see endless opportunities for my children and grandchildren, to pursue a career or life's work that will bring them great happiness. I believe this to be a tenet of our American way of life that should not be undermined or compromised, and this Senator will fight to protect and enhance such opportunities, not compromise them.

But Federal agencies and Federal environmental laws have compromised—if not sold out—the dreams of people in timber towns across my State. It was not enough that an individual's life's work was casually disregarded by his Government, but the response from the Federal Government—and from urban area leaders—to their plight was to simply suggest that timber workers just find another job. The arrogance of this statement speaks for itself.

To add insult to injury, this administration put forward a plan—Option 9—that would pour money—hundreds of millions of dollars—into myriad bureaucracies, training programs, forms, and procedures that was supposed to ease the pain of a policy designed to essentially eliminate a vital part of our region's workforce and economy.

Mr. President, it is crystal clear to this Senator, and I hope to many of his colleagues, that the answer to this problem is not arrogant statements that look down upon the time honored way of life in our rural communities, or throwing money at the problem and hoping it will go away. The answer to this problem is simple, we must change the laws that have brought us to this point.

The legislation before us today is an emergency measure that will bring a degree of relief to people in timber communities in my State. It's a good starting point, but this Senator intends to address the underlying statutes that have brought us to this point in the first place.

The history of the emergency salvage timber provision dates back to what is commonly known as ''section 318'' of the fiscal year 1990 Interior appropriations bill. That provision was crafted by the chairman of the Appropriations Committee, Senator HATFIELD, together with other members of the Pacific Northwest congressional delegation, to address the timber supply shortage in our region. The provision included what is commonly known as ''sufficiency language''—language insulating timber sales from frivolous legal challeges filed under various environmental statutes. The sufficiency language included in Section 318 was ultimately challenged all the way to the Supreme Court, where the Court ruled in favor of the goals and principles put forward in the legislation.

The emergency salvage timber provision in the rescission bill before the Senate today includes sufficiency language that was carefully crafted to mirror the sufficiency language in section 318. Why? Section 318 has been tested by legal challenge, and it has survived. The sufficiency language in H.R. 1944 does not attempt to chart new territories on this front, but to follow the carefully crafted language that has been held up under close scrutiny.

In 1992, this Senator offered an amendment on the Senate floor to the fiscal year 1993 Interior appropriations bill that would have granted the authority to the Secretary to move forward with salvage timber sales. During the Senate debate on that amendment, I cautioned the Senate that to allow salvage timber to continue to build up on the floor of our Nation's forests would result in devastating wildfires in future years. The Senate rejected that warning, and my amendment was soundly defeated.

And again, just last year, during the House-Senate conference on the fiscal year 1995 Interior appropriations bill, I attempted to offer an amendment that would give the Secretary the authority to offer salvage sales to improve forest

health conditions in our Nation's forests. My amendment was soundly rejected by the Democratic-controlled Congress.

But this year, things are different. Today, after years of struggle and suffering, the voices of timber families in Washington State have finally been heard. Today, the Senate will finally pass legislation, and send it to the President that will result in real relief for people in my State. Real relief, Mr. President, not simply promises on paper to be waved around at press conferences.

EMERGENCY SALVAGE TIMBER PROVISION

The provision in H.R. 1944 is virtually identical to that which passed the House and Senate in the conference report to H.R. 1158. The conference report to H.R. 1158 was, of course, vetoed by the President. The legislation before the Senate today includes four key modifications to the timber language included in the conference report to H.R. 1158. Allow me to briefly explain these changes, and the rationale behind each.

First, in subsection (c)(1)(A) of H.R. 1944, the change worthy of notice was included at the request of the administration. This Senator did not believe that this change was necessary because of the way that the entire provision is drafted. The fundamental concept of the timber language is that the Secretary has the discretion to put forward the salvage timber sales of which he approves. Consequently, I was baffled by the administration's demand that in this subsection language be included to give direction to the Secretary ''to the extent the Secretary concerned, at his sole discretion, considers appropriate and feasible'' that timber salvage sales ''be consistent with any standards and guidelines from the management plans applicable to the National Forest or Bureau of Land Management District on which the salvage timber sale occurs.'' The administration demanded that some mention of ''standards and guidelines'' be included in this section. After a series of negotiations this is the compromise that the House and Senate worked out with the administration.

Subsection (c)(1)(A) gives the administration the broadest latitude to prepare the salvage timber sales that it deems appropriate. It already has the discretion to make the decision of whether or not to put forward a sale that is consistent the standards and guidelines of a particular forest unit or BLM district. Essentially this request by the administration and the language ultimately included at its request is nothing more than redundant.

Subsection (k) releases sales that were authorized under section 318 of the fiscal year 1990 Interior appropriations bill. Roughly 300 mbf of timber sales have been held up due to agency gridlock over the marbled murelett. The administration asked the House and Senate to include in (k)(2) its definition of ''occupancy.'' That change in subsection (k)(2) of the Emergency Salvage Timber provision would undermine the ability to move these sales forward. That suggestion was soundly rejected by the House and Senate authors of the provision.

The language of (k)(2) requires that if a threatened or endangered bird species is ''known to be nesting'' in the sale unit that the administration not harvest that unit, but come up with an equal amount of timber in exchange for preserving that unit. This was written to give the administration flexibility to protect that individual sale unit in which the bird resides.

I wish to clarify that it is the intention of the House and Senate authors of this provision that the administration must provide physical evidence that the bird is ''nesting'' in that unit before the administration may enact (k)(3) to avoid the harvest of that sale unit.

The administration also requested that the date in subsection (k) be changed from 30 days for the release of the sales, to 45 days. The House and Senate authors of the provision included this request in H.R. 1944.

The third change included at the request of the administration relates to subsection (l)—Effect on Plans, Policies, and Activities—of the Timber provision. The subsection addresses the effect that salvage timber sales have on other multiple use activities. The provision was revised to create a limited exception to language that prohibits modifying land plans and other administrative actions as a consequence of implementing the section. The change, as requested by the administration, allows for modifications under extremely limited circumstances when needed to meet the salvage program agreed to by the conferees, or to reflect the particular effect of the salvage sale program.

It is critical to note that this modification expressly prohibits the administration from using salvage timber sales as the basis for limiting other multiple use activities. If the administration does need to modify an existing plan or program, project decisions, such as salvage sales, or other activities, cannot be halted or delayed by the modification. This is a critical point. This provision, as included in the conference report to H.R. 1158, was requested by the U.S. Forest Service as a way in which to ensure that the Forest Service would not be subject to legal challenge for the ''cumulative effects'' of a salvage sales when combined with another multiple use activity.

Last, the fourth change requested by the administration is, perhaps, the most interesting. The administration requested that the expiration date of the timber language be changed from September 30, 1997 to December 31, 1996. The administration aggressively pursued this request, with the express knowledge that its own agency officials in the Forest Service specifically asked the House and Senate conferees on H.R. 1158 to extend the Senate passed date of September 30, 1996 to September 30, 1997. The Forest Service made this request of the conferees for budgetary and planning purposes. Despite this fact, the administration was undaunted, however, in their desire to change the date to December 31, 1996.

When asked why the administration needed the date to be changed to December 31, 1996, the response was this: the current administration cannot control the actions of future administrations.

This is certainly an interesting concept, and an idea that I totally reject. Why? We cannot predict what will happen between now and the next election. Will we continue to have a Republican controlled House and Senate? Will one body return back to Democratic control? This is the subject of elections, and should not be the subject of policy discussions. But this President, unlike almost any other in recent history, has made election politics a consideration in nearly every one of his policy deliberations.

Aside from these changes the principle of the timber language in this legislation remains the same. The timber language simply provides the President the ability to keep the multitude of promises that have been made and broken to the people who live and work in timber communities in the Pacific Northwest. It's just that simple.

Briefly, the three components of my amendment are: emergency salvage timber sales, Released timber sales, and option 9.

Emergency salvage timber sales: An emergency situation exists in our Nation's forests created by past wildfires, increased fuel load, or bug infested and diseased timber stands. Time and again, the administration has publicly committed to putting together an aggressive salvage timber program. My amendment gives the administration the ability to do just that.

The bill language directs the Forest Service and BLM expeditiously to prepare, offer and award salvage timber sale contracts for the thinning and salvaging of dead, dying, but infested, downed, and burnt timber on these Federal lands nationwide, and to perform the appropriate revegetation and tree planting operations in the areas in which the salvage operations have taken place.

The bill language deems the salvage timber sales to satisfy the requirements of applicable Federal environmental laws. It also provides for an expedited process for legal challenges to any such timber sale, and limits administrative review of the sales.

Released timber sales: Language has also been included to release a group of sales that have already been sold under the provisions of Section 318 of the fiscal year 1990 Interior and Related Agencies Appropriations Act. The harvest of these sales was assumed under the President's Pacific Northwest forest plan, but their release has been held up due to extended subsequent review by the U.S. Fish and Wildlife

Service. Release of these sales will remove tens of millions of dollars of liability from the government for contract cancellation. The only limitation on release of these sales is in the case of a nesting of an endangered bird species with a known nesting site in a sale unit. In this case, the Secretary must provide substitute volume for the sale unit.

Option 9: First, let me make clear that I do not agree with, or support, option 9. I do not believe it comes close to striking an appropriate balance between the needs of people and their environment. My amendment simply provides the Forest Service and Bureau of Land Management the authority to expedite timber sales allowed for under option 9. The administration promised the people in the region of option 9—Washington, Oregon and California—an annual harvest of 1.1 billion board-feet, and the time has come for it to keep its promise.

My amendment specifies that timber sales prepared under the provision satisfy the requirements of Federal environmental laws, provides for an expedited process for legal challenges, and limits administrative review of such sales. Let me make clear that my amendment does not independently validate option 9 and does not restrict future legal challenges to option 9.

Mr. President, although I believe that the negotiations that have gone on over the timber language were unnecessary given the broad latitude that the administration has in this legislation, it is a part of the legislative process. More important than these negotiations, and the last minute interest of this administration in the legislation, in the opinion of this Senator, are the people in timber communities. The people in timber communities across my State will have won their first victory when the President signs this bill. It's a victory they deserve and one we should give to them. I encourage my colleagues to support H.R. 1944.

SUBSECTION (i) OF SECTION 2001

Mr. HATFIELD. Mr. President, I want to take a moment to share with my colleagues my understanding of subsection (i) of section 2001 of H.R. 1944. This subsection contains references to several specific Federal statutes as well as general references to Federal laws, including treaties, compacts, and international agreements. It is my understanding that the reference to treaties is made in response to allegations that passage and implementation of section 2001 would result in violation of the North American Free-Trade Agreement or the General Agreement on Tariffs and Trade.

FOREST HEALTH

Mr. LIEBERMAN. Mr. President, I voted for the rescission bill that passed the Senate earlier today because I believe so strongly that we must bring our Federal budget under control, and hopefully balance it in the near future. The longer we delay this process the more difficult our choices become in cutting spending for truly important Federal programs. But I remain strongly opposed to the provision in this rescission bill to exempt Federal logging from all Federal environmental laws for 2 years under the justification of salvage harvests. Not only is this provision unrelated to spending cuts—and probably will be budget negative—it sets very inadvisable policy and precedent.

''Timber salvage'' in this provision is defined broadly to include virtually all Federal forests, potentially including areas set aside or managed scientifically for critical watersheds, endangered species, roadless areas, or special recreation uses. It defines salvage to include ''dead, dying, and associated trees''—which may include virtually all mature timber. And, it provides exemptions from citizens suits, appeals, and judicial review of agency actions. These actions do not appear warranted based on timber harvest data from public lands.

According to U.S. Forest Service data, since 1992 less than one-half of 1 percent of forest sales by volume have been delayed by citizen suits, and less than 3 percent by litigation. In the first 11 months of 1994 over 1 billion board feet of timber was harvested from the ''Option 9'' areas developed for salmon and spotted owl protection—very close to the 1.2 billion board feet promise made for the 12 month period of 1994. Further, U.S. Forest Service data shows that a substantial number of timber sales in this region have been offered but not taken due to lack of demand.

In a recent issue of Random Lengths, industry's weekly report on North American Forest Products Markets, the lead story states that:

> Consensus has developed that there is simply too much production chasing too few orders. Most buyers and sellers now agree that unless demand revives in a big way, and soon, the industry is headed for widespread shutdowns and curtailments.

Futures prices for softwood continue to be very low in relation to past years, further indicating low demand relative to supply.

Many experts believe that the timber industry faces a crisis of demand, not supply. Even if this were not the case, it is doubtful that exemptions from Federal environmental laws would help smaller mills facing log shortages. Mills that are most threatened by log shortages from public lands often cannot outbid larger mills at auction. Auctions tend to be won by deep pockets, with no guarantee that mills needing logs the most will get them.

During debate over original passage of this bill Senator MURRAY offered a moderating amendment, which I voted for, that would have expedited but not eliminated implementation of environmental laws on Federal forest lands. It failed by only one vote. The timber provision that finally passed contains a change over previous language to expand the role of the Secretary of Agriculture to require his signature in order to implement new sales. Although I do not think this is a sufficient fix to this legislation, I do think it is essential for the administration to faithfully execute this authority in order to prevent serious abuse of the legal exemptions in this provision.

This timber provision is an unrelated, inadvisable and unnecessary addition to the rescission bill that will only further confuse our efforts to bring thoughtful, balanced reform to Federal environmental protection, without sacrificing important safeguards.

Mr. BOND. Mr. President, over 2 months ago, the President first announced his determination to veto H.R. 1158, the rescission and supplemental appropriations bill agreed to by the joint House-Senate conference committee. In part, he decried the agreement on the basis of the rescission proposed for HUD. At the time, I said that rationale for the veto was groundless. It is ironic, and very significant, that this measure, H.R. 1944, which the President now finds acceptable, rescinds $137 million more from HUD than did the bill which he vetoed.

Some have questioned why HUD is being cut by nearly $6.5 billion, more than three-quarters of a total rescission of $8.4 billion for the subcommittee. The answer is simple: That cut is roughly proportionate to that Department's available budgetary resources. Although HUD received new appropriations for fiscal year 1995 of $25.7 billion, about 39 percent of the funding for our major agencies, it also carried into this fiscal year $35.2 billion in unobligated prior year balances. In other words, it more than doubled its total available budgetary resources with this massive influx of unspent, unobligated funding.

We must cut HUD, and we must begin now if there is to be any hope of surviving the very constrained freeze-minus future for discretionary spending reflected in the budget resolution. The Congressional Budget Office analysis of the cost of the President's original budget submission for subsidized housing demonstrated a 50-percent expenditure increase over the next 5 years. This is a crisis. Unless we act now to curb the spiraling growth in outlays, we will have to make truly draconian cuts in the forthcoming fiscal year, including widespread evictions of low-income families from subsidized housing and accelerated deterioration in public and assisted housing across the country.

The solution is simple: Turn-off the pipeline of new subsidized units. That is the fundamental focus of the rescission bill. We have also restored cuts proposed by the House in CDBG, modernization, and operating subsidies, and redirected available resources toward another urgent aspect of restoring budgetary sanity to this out of control Department: demolish the failed housing developments, and put the rest

on a sound footing to survive the competition and subsidy reductions coming down the pike.

Amid all the debate over the future of HUD, it's important to keep in mind that over 4.8 million families receive Federal housing assistance, and half of them are elderly and disabled. It's also important to note that such housing assistance is expensive. This year HUD will expend $26 billion for these programs, and costs are rising. In fact with the long-term contractual commitments previously made by HUD, the Government is currently obligated to pay over $187 billion over the life of these contracts, some stretching out 40 years.

Given the long-term nature of these obligations and commitments, halting the budgetary growth of the Department can only be accomplished with a focused, determined, multiyear effort. Unless we begin now, with this bill, we will lock ourselves into another multibillion-dollar increment of long-term budget obligations. And this is only a first step, one of many in which we will go beyond the limited fixes and cuts that can be accomplished in a rescission bill. We must enact major reform legislation later this year, but this is a good, and very necessary beginning.

The program reforms and initial reductions contained in the rescission bill are desperately needed to avoid a budgetary train wreck with the Department of Housing and Urban Development. Immediate enactment of this bill, and the enactment of further budgetary and legislative measures to address this crisis later this summer, provide us our best and perhaps only opportunity to avoid the displacement of thousands of low-income families, as well as further deterioration and loss of desperately needed affordable housing stock.

The President criticized a number of specific actions contained in the original conference agreement. Frankly, there are a number of recommendations in the revised measure before us which are even more troubling. But this bill is a compromise, not only between what was originally passed by the House more than 3 months ago and what was worked out in conference 2 months ago on H.R. 1158, but also with what the administration has subsequently demanded. I believe the agreement goes a long way toward minimizing adverse program impacts while increasing our contributions to deficit reduction. The bottom line, however, is that it provides almost $8.4 billion in deficit reduction while protecting funding for activities critical to our Nation's veterans, investments in science and technology, the environment, and to meet the housing needs of lower income families.

For example, the rescission agreed to for national service was cut in half to $105 million. While many of us are dubious of the whole premise of paying people to become volunteers, regardless of their financial resources, and we have heard of instances where excessive payments have been made, the conferees decided to hold this program closer to the funding level established for fiscal year 1994. I might add that the rescission is only a quarter of the original House-passed rescission of $416 million. The GAO is completing its report on the cost of this program which appears to confirm many of the concerns some of us have expressed. This report will serve as an important new factor in our consideration of funding for this program for fiscal year 1996.

In the case of housing for AIDS victims, the current rescission totals only $15 million, a small fraction of $186 million included in the House bill. Moreover, the rescission provides an increase in funding over the level requested by the President for this fiscal year.

The bill includes $6.6 billion requested by the President for the disaster relief fund. This will enable FEMA to respond to needs in California resulting from the Northridge earthquake and disasters in other States, and to meet emergency needs arising out of the terrorist bombing in Oklahoma City and flooding in the Midwest.

Mr. President, I would also note that the bill contains $5 million requested by the administration to enable FEMA to initiate flood mitigation activities authorized by the National Flood Insurance Reform Act of 1994. So this bill not only provides the resources to help flood victims recover from these disasters, but we are also taking steps to help avoid such flood damage in the future.

The bill also rescinds $81 million from the Department of Veterans Affairs, including $50 million from excess personnel costs and $31 million from excess project reserves. This rescission will not impact VA's ability to provide patient care in any way. The rescission to personnel costs does not affect staffing. Simply, VA's budget included $50 million more than they now estimate they need to pay salaries. Despite the assertion in the President's previous statement, no funding is being rescinded for medical equipment needs of VA hospitals and clinics.

In terms of the construction account, funds are rescinded from projects which are costing less than what was originally appropriated. Rescinding the funds ensures more careful management of the VA construction budget.

This measure rescinds a total of $1.3 billion from EPA. Of the total, $1.1 billion is rescinded from the drinking water State revolving fund. Because this program has not been authorized, EPA has been unable to obligate the funds. While I support the need for this program, until it is authorized no funds may be spent. The rescission bill leaves $225 million for the drinking water State revolving fund should authorizing legislation be enacted.

Within the Superfund Program, $100 million is rescinded. Because EPA fails to obligate on average $100 million in Superfund appropriations each year, this rescission is not expected to have a dramatic effect on program activities. On the other hand, it is intended to slow program spending pending enactment of major reform legislation which will likely change the scope and nature of cleanup activities previously planned.

This measure contains number of legislative provisions impacting EPA programs including the automobile inspection and maintenance program to ensure EPA is flexible in reviewing States' plans for I/M programs and considers assigning additional credits for effective decentralized programs.

Also included are two key EPA reforms: first, a moratorium on new Superfund site listings for the balance of this fiscal year, unless requested by the Governor or unless reauthorization legislation is enacted, and second, a prohibition on EPA from enforcing vehicular trip reduction programs.

Mr. President, this compromise bill is a good one. Rescissions for programs under the jurisdiction of the VA, HUD, and Independent Agencies Subcommittee total $8.4 billion. The contribution toward deficit reduction is $1.5 billion more than the level originally passed by the Senate, but is $900 million less than that passed by the House. It is a compromise, but one which fairly balances the differing priorities of the two Houses and still maintains funding for critical activities.

Mr. President, this bill must be enacted without further delay to assure timely delivery of assistance to disaster victims in 41 States, including my own, as well as the Federal response in Oklahoma City. Perhaps equally important, immediate enactment of this measure is absolutely critical to beginning the process of expenditure reduction to prevent widespread disruption and dislocations as we enact the legislation necessary to bring the Federal budget back into balance in 7 years. We must eliminate this spending before Federal agencies obligate even more of the funds we have identified for rescission, making the task of saving money in low priority programs even more difficult.

This is a responsible bill. It cuts funding and contributes to deficit reduction. It provides emergency funding which is urgently needed to assist victims of disasters. It makes long overdue reforms and corrections in programs which need fixing. And this bill needs to be enacted without further delay. I urge its adoption.

Mr. HATFIELD. Mr. President, I ask unanimous consent that a letter addressed to the Democratic leader, which is identical to the letter sent to the Republican leader, from Alice Rivlin indicating the administration's full support for the bill as it was passed by the House, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 21, 1995.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: The purpose of this letter is to provide the Administration's views on H.R. 1944, the emergency supplemental and rescission bill. The Administration supports H.R. 1944, as it passed the House.

H.R. 1944 provides an important balance between deficit reduction and providing funds to meet emergency needs. This legislation provides essential funding for FEMA Disaster Relief, for the Federal response to the bombing in Oklahoma City, for increased anti-terrorism efforts, and for providing debt relief to Jordan in order to contribute to further progress toward a Middle East peace settlement. H.R. 1944 reduces Federal spending by $9 billion.

The Senate is urged to pass H.R. 1944, as it passed the House. With only ten weeks remaining in the fiscal year, it is essential that this legislation be presented to the President as soon as possible. Therefore, the Administration opposes any amendments to the bill.

Sincerely,

ALICE M. RIVLIN,
Director.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER (Mr. KYL). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The bill (H.R. 1944) was ordered to a third reading, and was read for the third time.

The PRESIDING OFFICER. Under the previous order, the question occurs on the passage of H.R. 1944. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT], and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 7, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—90

Abraham	Cohen	Gramm
Akaka	Conrad	Grams
Baucus	Coverdell	Grassley
Bennett	Craig	Gregg
Biden	D'Amato	Harkin
Bingaman	Daschle	Hatch
Bond	DeWine	Hatfield
Boxer	Dodd	Heflin
Bradley	Dole	Helms
Breaux	Domenici	Hollings
Brown	Dorgan	Hutchison
Bryan	Exon	Inhofe
Bumpers	Feingold	Jeffords
Burns	Feinstein	Johnston
Byrd	Ford	Kassebaum
Campbell	Frist	Kempthorne
Chafee	Glenn	Kerrey
Coats	Gorton	Kerry
Cochran	Graham	Kohl
Kyl	Murkowski	Santorum
Lautenberg	Nickles	Shelby
Leahy	Nunn	Simpson
Lieberman	Packwood	Smith
Lott	Pell	Snowe
Lugar	Pressler	Specter
Mack	Pryor	Stevens
McCain	Reid	Thomas
McConnell	Robb	Thompson
Mikulski	Rockefeller	Thurmond
Moynihan	Roth	Warner

NAYS—7

Kennedy	Murray	Wellstone
Levin	Sarbanes	
Moseley-Braun	Simon	

NOT VOTING—3

Ashcroft	Faircloth	Inouye

So, the bill (H.R. 1944) was passed.

Mr. LEAHY. Mr. President, the Senate passed a rescission bill today that I wish was not needed. Unfortunately, too often disasters like the California earthquake and the Oklahoma City bombing occur that we cannot foresee or prevent. Those events are tragedies, and we must do what we can to assist the victims.

But there is another disaster that made this bill necessary—a disaster we could have stopped, one that will affect every American for years to come. That disaster is the Republican's budget resolution. There is not a Member of this Congress that doesn't want to balance the Federal budget, but there is a right way and a wrong way to do it. The budget resolution passed by Congress tries to right 30 years of overspending with 7 years of draconian cuts to Medicare, Medicaid, education, affordable housing, heating assistance, and just about every program hardworking American families depend upon.

This was not a bipartisan budget resolution. Republicans rejected President Clinton's more moderate approach. I voted against that resolution. Unfortunately, not enough Senators joined me to block this disastrous budget that has created the need for the cuts we are making today.

In April, I came to the Senate floor to vote against H.R. 1158, the earlier rescission bill that focussed its cuts on the poor, the hungry, and on our children. I said then that I hoped Republicans and Democrats could find a way to work together to develop a bipartisan bill that balanced those cuts more evenly. We have done that, and I believe the bill we have passed today is more equitable than the rescission bill that I voted against a few months ago.

The cuts to education programs, to AmeriCorps, and to programs fighting drug use in our schools and communities, have been reduced. To offset those cuts, administrative costs for the Federal Government were trimmed.

This is not a perfect bill. I am deeply concerned about many of the cuts included in the rescission package, most importantly the cut of $319 million to the Low-Income Home Energy Assistance Program [LIHEAP]. I fought to restore funding to LIHEAP in the original Senate rescission bill, and I have continued to oppose cuts to this important program as the House and Senate worked on a compromise.

This cut will hurt Vermonters who cannot afford to heat their homes during our long New England winters. I do not believe that most Americans would choose to let those people freeze so that the budget can be balanced in 7 years as opposed to 10, or so that wealthy Americans can get a bigger tax break next year. Certainly I would not.

I am also extremely disappointed with a timber provision, pushed through by special interests, that could be devastating to our Nation's forests. There is no justification for this timber legislation. It is a gift to special interest, powerful PAC money, and the champions of misinformation. The letter I will include for the RECORD makes this clear.

I commend Senator MURRAY for the work she has done to establish a sustainable forest-based economy in the State of Washington, while creating 3,500 new jobs in the lumber, wood manufacturing, and paper industries. I applaud her for having the courage to stand up to this backdoor attempt to weaken the laws protecting our forests without hearings, without committee mark-ups, without public participation, or open floor debate. I hope that this is not an indication of the way this Congress intends to address our environmental laws. The American people did not vote for that kind of change, and they will not stand for it any more than I will.

I voted for this rescission bill today—not because it is a good bill, but because it is a necessary bill. It is necessary to pay for the disasters in California, in Oklahoma, and for the disaster that the Republicans have created with their budget resolution.

REGARDING THE NATIONAL BANKRUPTCY REVIEW COMMISSION

Mr. GRASSLEY. I would like to congratulate my colleagues, Senator HATFIELD, the chairman of the Senate Finance Committee, and Senator BYRD, the ranking member of the committee, for the hard work they have put toward resolving the differences in this bill. I hope that the passage of this bill will help to put this country on her way back to a balanced budget. Included in the bill is the appropriation for funding for the National Bankruptcy Review Commission. This Commission was established pursuant to enactment of the Bankruptcy Reform Act of 1994 which both the House and Senate passed unanimously. I wish to ask my distinguished colleague from Alabama to clarify a few issues regarding that Commission, since he managed the authorizing legislation last session. First, is it not correct that pursuant to section 608 of the act, the 2-year period for submitting its report should be based on the date on which the first meeting is held.

Mr. HEFLIN. The Senator is correct. Although the language in the act envisions that the first meeting of the

Commission would take place within 210 days of enactment of the act. It is clear that first meeting as well as the actual 2-year duration of the Commission should be based on the date on which the first formal meeting, is held. This is the practical effect of the budgeting process, to which the Commission is bound.

Mr. GRASSLEY. We are all bound by the budgeting process and must adjust our actions accordingly. I have one other question for my colleague, regarding the Commission membership requirements. I understand that the membership provision of the Commission was intended to preclude from continued membership a person who had been appointed to that position due to his or her capacity as an officer or employee of a government. Would the Senator from Alabama explain to me who this provision is meant to preclude from membership on the Commission?

Mr. HEFLIN. I will be happy to help to clear up any questions which may have been raised regarding membership on the Commission. It is my understanding that this provision is intended to preclude from continued membership on the Commission those Commissioners who are appointed based solely on the capacity of the governmental office for which they hold. If that Commissioner should leave the governmental position during their term then they can no longer serve on the Commission.

MILITARY CONSTRUCTION APPROPRIATIONS, 1996

The PRESIDING OFFICER. The clerk will report the underlying pending business, H.R. 1817.

The legislative clerk read as follows:

A bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. BURNS. Mr. President, as soon as we can get order, I will ask unanimous consent that the chairman of the full Appropriations Committee be recognized.

AMENDMENT NO. 1834

The PRESIDING OFFICER. The question occurs on amendment No. 1834 offered by the Senator from New Mexico. Under the previous order, there will be 4 minutes of debate equally divided prior to the vote on the motion to table the amendment.

Mr. HATFIELD. Mr. President, I would like to propound a unanimous-consent request.

The PRESIDING OFFICER. The Senator from Oregon.

APPOINTMENT OF CONFEREES—H.R. 1854

Mr. HATFIELD. Mr. President, I will propound a unanimous-consent agreement on the legislative appropriations bill that we passed last night.

I ask unanimous consent that the Senate insist on its amendments to H.R. 1854, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. KYL) appointed Mr. MACK, Mr. BENNETT, Mr. HATFIELD, Mrs. MURRAY, and Ms. MIKULSKI conferees on the part of the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD addressed the Chair.

Mr. BURNS. I yield to the Senator from Oregon for the purpose of an announcement.

ANNOUNCEMENT OF COMMITTEE MEETING

Mr. PACKWOOD. Mr. President, the Finance Committee has not yet had its hearing of Lawrence Summers to be Under Secretary of the Treasury. We will be convening the Finance Committee as soon as the last vote is over. I would appreciate it if Members can get there reasonably promptly. It is a controversial nomination. I hope it will not take a long time. We will be taking it up at about a quarter to 1, whenever we finish with the vote. I thank my friend from Montana.

MILITARY CONSTRUCTION APPROPRIATIONS, 1996

The Senate continued with the consideration of the bill.

Mr. BURNS. Mr. President, I think we have 4 minutes equally divided. I yield 1 minute to the Senator from Idaho, [Mr. KEMPTHORNE].

The PRESIDING OFFICER. The Senator is recognized.

Mr. KEMPTHORNE. Mr. President, I rise in opposition to the Bingaman amendment. During a hearing before the Armed Services Committee earlier this year, Defense Secretary Bill Perry testified that under the present budget, it will take over 50 years to renovate many of the family housing units currently in use by the armed services of America. We know we are falling behind in readiness. The military construction projects that will be canceled by the proposed amendments will help address these quality-of-life and readiness problems.

We have just gone through three difficult rounds of the base closure process. The bases and the facilities that have survived are the keepers. We need to make investments to maintain the infrastructure that literally serves as the foundation of our armed services. Therefore, Mr. President, I urge my colleagues to vote to table the Bingaman amendment.

Mr. REID. Mr. President, I yield 1 minute to the Senator from Kentucky.

Mr. FORD. Mr. President, I join my cochairman of the State National Guard Caucus, Senator BOND of Missouri, and our colleagues in opposing the Bingaman amendment. The military construction funds this amendment seeks to delete are not frivolous. They are necessary to the very backbone of our military.

In my State alone, these funds go to build barracks to move our soldiers out of the World War II clapboard barracks. Why is it not a Pentagon priority to replace these barracks and provide a better quality of life for our soldiers?

The citizens of this country are well aware of the military drawdown in this country, but they have not asked our young men and women to stop volunteering their services, whether it be full-time active duty or part time as a reservist or guardsman.

Mr. President, I have watched them leave our communities, and many of them do not come back. I watched the best surgeons in my State and scrub nurses go to the Persian Gulf, and they did their job. Let us not turn our back on these people now. Vote to table this amendment.

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes.

Mr. BINGAMAN. Mr. President, first, I ask unanimous consent that Senator FEINGOLD be added as a cosponsor on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I yield 1 minute to my colleague from Arizona, who is also a cosponsor.

Mr. MCCAIN. Mr. President, the fact is that these are nice projects. They are in the 5-year plan of the Pentagon, but they are not required at this time. There is simply additional spending that is not necessary. There are far higher priorities for us to be able to meet our national security challenges than adding money for military construction at this time. They are good projects. They are not needed at this time, and if we are going to spend $300 million additionally, I could find seven other areas that are much higher in priority than this one. If we are going to show some fiscal responsibility, we ought to start now.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, we are spending extra time voting on this amendment since we just voted to rescind $16.4 billion in domestic spending. I think that was a courageous vote; it was a hard choice.

What this amendment that we are now considering does is it says that we will allow $474 million of add-ons to military construction, but we will not allow an additional $300 million above that. This is not a question of funding the National Guard. There is plenty of money in this bill to fund the National Guard needs. This is not a question of family housing. There is plenty of money in this bill to fund the family housing needs of the military.

What we are saying is deficit reduction has to matter, even when you are

talking about defense dollars, as well as when you are talking about domestic dollars.

Mr. President, this is a reasonable amendment. It brings the bill into line with the President's request. It is fiscally responsible.

I urge my colleagues to vote against tabling the amendment.

VOTE ON AMENDMENT NO. 1834

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1834 offered by the Senator from New Mexico, [Mr. BINGAMAN].

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT], and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from California [Mrs. FEINSTEIN], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 18, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—77

Abraham	Exon	Mack
Akaka	Ford	McConnell
Baucus	Frist	Mikulski
Bennett	Gorton	Murkowski
Biden	Gramm	Murray
Bond	Grassley	Nickles
Breaux	Gregg	Packwood
Bryan	Harkin	Pell
Bumpers	Hatch	Pressler
Burns	Hatfield	Pryor
Byrd	Heflin	Reid
Campbell	Helms	Robb
Chafee	Hollings	Rockefeller
Coats	Hutchison	Santorum
Cochran	Inhofe	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Johnston	Simpson
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Snowe
D'Amato	Kennedy	Specter
Daschle	Kerry	Stevens
DeWine	Lautenberg	Thomas
Dodd	Leahy	Thompson
Dole	Lieberman	Thurmond
Domenici	Lott	Warner
Dorgan	Lugar	

NAYS—18

Bingaman	Graham	McCain
Boxer	Grams	Moseley-Braun
Bradley	Kerrey	Moynihan
Brown	Kohl	Roth
Feingold	Kyl	Simon
Glenn	Levin	Wellstone

NOT VOTING—5

Ashcroft	Feinstein	Nunn
Faircloth	Inouye	

So the motion to lay on the table the amendment (No. 1834) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. Mr. President, I move to table the motion.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, as we consider the fiscal year 1996 Milcon appropriations bill, I wish to commend Senator BURNS, the chairman of the Military Construction Appropriations Subcommittee, and Senator REID, the subcommittee's ranking member, for their hard work in preparing this bill for floor action. It is evidence of the able leadership of Chairman BURNS and Chairman HATFIELD that we can consider this bill so quickly. I would also like to commend Jim Morhard and Warren Johnson of the subcommittee staff for their efforts in crafting a comprehensive and responsible bill.

Mr. President, this is an important bill. It provides the Armed Forces with funds to construct facilities which are necessary in preparing them to protect the United States and our interests around the world. It also fully funds the requested amounts for BRAC II, BRAC III, and BRAC IV. In addition, the bill provides funds for the renovation and construction of barracks and family housing. The military's most important assets are the men and women who sacrifice every day to ensure the security of this great Nation. It is the least we can do to provide them and their families with quality housing.

I am pleased that the bill also provides funding for the Department of Defense's initiative to develop private sector solutions to the current military housing shortfalls. It is a viable option as we consider how to better meet the needs of our service men and women. I encourage the Department to work with Congress and with the Military Appropriations Subcommittee so that this program might move forward expeditiously.

Mr. President, I would also like to commend Chairman BURNS and Chairman HATFIELD for their efforts to meet the construction needs of the Reserve components. Last year, during consideration of the fiscal year 1995 military construction bill, I expressed my disappointment with the President's budget and its lack of funding for Guard and Reserve construction projects. At that time, I expressed my hope that this year's budget would more adequately address the needs of the Reserve component. The Department of Defense did include some Guard and Reserve projects in the fiscal year 1996 budget. Chairman BURNS went further to ensure that additional Guard and Reserve projects were funded. In my view, that is a crucial step. As the Active Force continues to draw down, the Guard and Reserves will be asked to take on more day-to-day missions. In my view, it is our responsibility to ensure that they have the necessary facilities to meet these growing demands.

I am aware that the committee has added projects that were not included in the President's request. The committee judged each of these projects by strict criteria in an effort to ensure that military construction dollars are used wisely. The projects that have been added directly impact the readiness and quality of life for our Armed Forces.

In closing, Mr. President, I again commend my colleagues for their hard work on this bill. I thank them for their assistance in moving this bill forward and urge my colleagues to support it.

AIR FORCE RESERVE AND MICHIGAN AIR NATIONAL GUARD MILITARY CONSTRUCTION PROJECTS

Mr. ABRAHAM. Mr. President, Senator LEVIN and I would like to engage the distinguished chairman and ranking member of the Senate Appropriations Subcommittee on Military Construction in a brief discussion regarding the impact of H.R. 1817 on this year and future year's military construction projects. The committee report accompanying H.R. 1817 recommends $6.4 million for airfield pavement additions at the Phelps-Collins Air National Guard Base in Alpena, MI. The requirement justification report for this project states this program will increase sortie generation and allow the military to conduct much more realistic training operations.

I also understand an air combat maneuvering instrumentation range for operations at the Alpena Combat Readiness Training Center was authorized by the 1995 Defense Authorization Act and is contained in the Air National Guard future year defense plan for initial installation starting 1997. If the Air National Guard were to support this future year plan and request an appropriation for the equipment housing construction, would you view this project as a reasonable step towards providing the needed improvements in operational effectiveness at the Phelps-Collins Air National Guard Base and the Alpena Combat Readiness Training Center?

Mr. BURNS. Yes I do. The committee allowance for the Phelps-Collins Airfield pavements additions project was done in order to reduce the potential for an aircraft mishap, increase sortie generation, improve the utilization of the base and the training center, and allow for the future expansion of this facility for full operational training, including an air combat maneuvering instrumentation range expansion.

Mr. LEVIN. Mr. President, I would like to follow up on my colleague's question in asking the ranking member whether he agrees that a modern Combat Readiness Training Center is warranted given the training deployments to Europe have been reduced with the closure of many overseas bases, and the fact that the Alpena facility is the only Air National Guard Combat Readiness Training Center that does not have an air combat maneuvering instrumentation system? I would think that the unencumbered supersonic training airspace available for this range would make it a uniquely valuable training resource.

Mr. REID. I am aware that both of my colleagues from Michigan and from elsewhere in the Great Lakes region are strongly supportive of expanded

training opportunities for their Air National Guard and Air Force Reserve units. The Air National Guard made a strong case for expanding the operations at Alpena given the projected force levels and expected military construction funding priorities. Because of that we funded the project the subcommittee chairman referred to. I believe the subcommittee would entertain such a budget submission by the Air National Guard and would follow a logical program for expanding operations at Alpena.

Mr. LEVIN. I thank the chairman and ranking member of the subcommittee for their support and I believe I speak for both myself and my colleague from Michigan when we say we look forward to working with them on this issue during the 1997 budget cycle. Mr. President, I wish to continue this discussion with the chairman on the issue of the fuel systems maintenance dock at the Selfridge Air National Guard Base in Mount Clemens, MI. The Air Force Reserve unit here has converted from an C–130 to a KC–135 mission, but is forced to tow its aircraft over 2 miles to perform critical fuel cell and corrosion control work. A project to provide a facility adequate to handle these repairs much nearer to the aircraft flight line will preclude major repair scheduling conflicts, sustain aircraft material condition, and improve flight safety. Would the submission by the Air Force Reserve for this project in the 1997 budget be reviewed favorably?

Mr. BURNS. I believe if current budget projections hold forth, such a project would be strongly supported. Considering this project is already in the 1997 future year defense plan, I invite the Air Force Reserve to submit this project for congressional review.

Mr. ABRAHAM. Mr. President, I thank the chairman and ranking member for their time today and this opportunity to discuss these vital military construction projects. I join my fellow Senator from Michigan in calling upon the Air National Guard and Air Force Reserve to submit these two vital projects for congressional approval. These two projects represent initiatives vital to the operating efficiency of the few remaining Michigan Air National Guard and Air Force Reserve units. Furthermore, it which will significantly improve the operating capabilities of not only these units, but any other aviation unit that wishes to utilize this unique facility. I therefore join with my colleague from Michigan in calling upon the Air National Guard and the Air Force Reserve to submit these two projects, in accordance with their future year defense plans, as part of their 1997 budget submission.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, the Senate is now considering H.R. 1817, the fiscal year 1996 military construction appropriations bill.

The bill provides a total of $11.2 billion in budget authority and $3.1 billion in new outlays for the military construction and family housing programs of the Department of Defense for fiscal year 1996.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $11.2 billion in budget authority and $9.6 billion in outlays for fiscal year 1996.

Mr. President, the bill provides for readiness and quality of life programs for our servicemen and women. The bill falls within the subcommittees 602(B) allocation.

I want to convey my thanks to the committee for the support given to several priority projects in New Mexico.

I commend the distinguished subcommittee chairman, the senator from Montana, for bringing this bill to the floor within the subcommittee's section 602(B) allocation.

I urge the passage of this bill.

Mr. GRAMM. Mr. President, I wish to point out to the chairman of the subcommittee that the recent approval of the 1995 base closure list by the President has changed the circumstances surrounding one of the projects in this legislation. The bill is based on recommendations the subcommittee received from the Defense Department, and as a result this bill has insufficient funding to complete the construction of the distribution facility at Red River Army Depot. Because the Defense Logistics Agency suspended work on the distribution facility pending a decision by the Base Closure Commission and just recently resumed work on the project, an adjustment to the funding level will be required. Less than 1 week ago, the Defense Department formally asked the building contractor for an estimate of any costs resulting from the temporary delay in construction, and an answer is expected within 1 month. Because we do not yet know how the total cost of the distribution facility will change, I ask the chairman and ranking member to work with me and the Defense Department in conference to be sure this vital Red River Army Depot project has sufficient funds to ensure its completion.

Mr. BURNS. Mr. President, I am aware of the situation at Red River Army Depot, and I want to assure my colleague that our subcommittee has no intent to impede the progress of this project. We will be happy to work with the distinguished Senator from Texas to ensure this project is fully funded so that it may be completed without further interruption or delay.

Mr. CHAFEE. I want to thank the chairman and ranking member of the Military Construction Subcommittee, Senators BURNS and REID, for their hard work in producing this appropriations bill for fiscal year 1996.

Included in the bill is $18 million for phase 2 of the Strategic Maritime Research Center at the Naval War College in Newport, RI. The Naval War College boasts a long and proud tradition of excellence in military education and state-of-the-art wargaming.

Unfortunately, though, the War College's library is badly undersized, and its wargaming facility is unsuited to today's technological demands. The Strategic Maritime Research Center will jointly house the college's wargaming department and library in one modern facility.

This facility will help continue to provide our military with the best-educated, best-prepared officers who will be able to meet the increasingly complex national security challenges our Nation faces. It will also help us continue an important diplomatic mission, as the Naval War College very often hosts military officers from abroad who participate in a number of wargaming and educational endeavors.

Again, I would like to thank Senators BURNS and REID in bringing this bill to the floor.

Mr. KOHL. Mr. President, as a member of the Appropriations Committee and the Military Construction Subcommittee, I voted to have the fiscal year 1996 military construction appropriations bill brought to the Senate floor.

The military construction bill is $2.4 billion more than what we spent last year on military construction and $461 million more than the administration's requested level of spending for military construction. If we truly intend to reduce the budget deficit, we cannot exempt the military construction account from cuts. Especially given that the Bingaman amendment to eliminate $300 million in add-ons failed, I will be voting against final passage of the fiscal year 1996 military construction appropriations bill.

Mr. BRADLEY. Mr. President, it is with regret that I must cast my vote against the fiscal year 1996 military construction appropriation bill. We simply cannot justify the level of spending contained in this legislation.

This bill funds many worthy projects. For example, I strongly support efforts to improve the quality of life for our service men and women. I support the infrastructure construction that is absolutely necessary to keep our military in fighting shape. I have long supported the military value of McGuire AFB in my own State of New Jersey. Indeed, I worked hard and successfully to keep McGuire open and performing its vital military missions. I will support the spending that McGuire needs to prosper.

But all of these worthy projects are embedded in a bill larded with pork. It is $461 million higher than the President's budget request, and over $2.4 billion above last year's funding total. It contains hundreds of millions of dollars in unauthorized spending. At a time of budget stringency, when we are asking all Americans to make sacrifices, I simply cannot support a 28-percent increase in spending for military construction.

AMENDMENT NO. 1835

Mr. SIMON. I have an amendment offered by Senator MOSELEY-BRAUN and

myself that I send to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself and Ms. MOSELEY-BRAUN proposes an amendment numbered 1835.

Mr. SIMON. I ask unanimous consent that further reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following.

SEC. . FORT SHERIDAN.

(a) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall convey to the Lake County Forest Preserve District, Illinois, (in this section referred to as ''the District''), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of approximately 290 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.

(b) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under subsection (a), the District shall provide maintenance and care to the remaining Fort Sheridan cemetery, pursuant to an agreement to be entered into between the District and the Secretary. The Secretary of the Army shall be responsible to continue interments at the cemetery for the remainder of its use.

(c) The Secretary of the Army is also authorized to convey the remaining surplus property at Fort Sheridan to the negotiating agent, or its successor, for an amount no less than fair market value (as determined by the Secretary of the Army) of the property to be conveyed.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsections (a) and (c) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Lake County Forest Preserve District, and the Fort Sheridan Joint Planning Committee, respectively.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interest of the United States, except for consideration previously provided for in paragraph (c).

Mr. SIMON. Mr. President, this is an amendment I discussed with Senator BURNS. It solves a problem that has been festering in regard to an abandoned military base.

Everyone—Congressman PORTER from the House side—everyone has agreed to it. I understand there may be some problems. I yield to Senator BURNS.

Mr. BURNS. Mr. President, I thank the Senator from Illinois. We do have some problems on this side with it. We will work with the Senator and the Illinois delegation on this as we move through conference.

I am reluctant to accept the amendment at this present time.

AMENDMENT NO. 1835 WITHDRAWN

Mr. SIMON. With that assurance, I will withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1835) was withdrawn.

Mr. BURNS. Mr. President, I know of no further amendments to this piece of legislation. I believe that we are ready to move to third reading.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Washington [Mr. GORTON] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. GORTON] would vote ''yea.''

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. NUNN], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 84, nays 10, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—84

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Bennett	Frist	McConnell
Biden	Glenn	Mikulski
Bond	Graham	Moynihan
Boxer	Gramm	Murkowski
Breaux	Grams	Murray
Brown	Grassley	Nickles
Bryan	Gregg	Packwood
Bumpers	Harkin	Pell
Burns	Hatch	Pressler
Byrd	Hatfield	Reid
Campbell	Heflin	Robb
Chafee	Helms	Rockefeller
Coats	Hollings	Roth
Cochran	Hutchison	Santorum
Cohen	Inhofe	Sarbanes
Conrad	Jeffords	Shelby
Coverdell	Johnston	Simon
Craig	Kassebaum	Simpson
D'Amato	Kempthorne	Smith
Daschle	Kennedy	Snowe
DeWine	Kerry	Specter
Dodd	Lautenberg	Stevens
Dole	Leahy	Thomas
Domenici	Levin	Thompson
Dorgan	Lieberman	Thurmond
Exon	Lott	Warner

NAYS—10

Baucus	Kerrey	Moseley-Braun
Bingaman	Kohl	Wellstone
Bradley	Kyl	
Feingold	McCain	

NOT VOTING—6

Ashcroft	Gorton	Nunn
Faircloth	Inouye	Pryor

So, the bill (H.R. 1817), as amended, was passed.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, I move that the Senate insist on its amendments to the bill, H.R. 1817, and request a conference with the House on the disagreeing votes of the two Houses.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BURNS. That concludes action on this bill, Mr. President. I wish to thank my colleague and ranking member on this committee. I thank our staffs, those who have worked so hard on this bill. I appreciate their help at every turn.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I wish to take just a couple minutes to indicate my congratulations and my commendation to the Subcommittee on Military Construction. I would like to remind the Senate that this is the first action of the Appropriations Committee in the Chamber under the new majority rule. We came to the floor with very great efficiency considering that we were required to wait until the conference committee had completed work on the Budget Committee budget resolution.

We were only able to issue our 602(b) allocations at the first of the week. We have now completed two appropriations bills on the floor. We will report four more out next week.

I wish to also acknowledge the efficiency and smooth operation that has thus far characterized these two bills. In great part, it is because of the professional staff. I raise that first instead of the normal way of talking about the Members. I wish to make that a point because our staff has been so focused on professionalism on our committee and a nonpartisan approach. You can note very little disturbance or confusion in the readjustment of moving from the majority to the minority or the minority to the majority; our staffs have that continuity and expertise.

I refer specifically to Jim Morhard on our side and Dick D'Amato on the minority side. Not only are they experts and have the continuity of service, but they really provide us with stability and efficiency within this committee.

Needless to say, the leadership of the committee is in the hands of very capable people, Senator BURNS of Montana and Senator REID of Nevada. Both of them are veterans on that committee and both of them have provided leadership as they have been on that committee, Senator REID first as a part of the majority and now the minority, Senator BURNS in the minority and now the majority. If you see these two gentlemen work in their committee, you

would have no way to detect any difference of performance, any less dedication or any less efficiency.

So I wish to commend the leaders for providing that kind of virus that infects our staff and creates a harmonious committee. Senator BYRD, the ranking member of our committee, certainly has become again a part of that overall philosophy and that kind of performance of our committee, and I wish to take this time to thank Senator BYRD as well, the ranking member of the full committee.

Mr. BURNS. Mr. President, I ask unanimous consent that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

UNANIMOUS-CONSENT AGREEMENT—S. 641

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate, at 1:30 p.m., turn to the consideration of Calendar No. 47, S. 641, the Ryan White Care Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. It is the hope of the leadership that all of the opening statements would be concluded on this bill today and an amendment would be laid down for consideration when the Senate returns to this item next week.

With that announcement, there will be no further votes today. The first votes on Monday will occur beginning at 5 p.m.

MORNING BUSINESS

Mr. LOTT. Mr. President, I further ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

ETHICS COMMITTEE PUBLIC HEARINGS

Mr. MCCONNELL. Mr. President, I wish to take just a moment to respond to the distinguished Senator from California [Mrs. BOXER], who has been working to achieve public hearings on the sexual misconduct case against Senator PACKWOOD.

Mr. President, on July 10, several Senators wrote to me and the vice chairman urging the committee to convene public hearings. Several days later, my friend from California wrote to us on her own to inform us if the Ethics Committee had not voted to hold public hearings within a week of her July 14 letter, she would seek a vote of the full Senate on the issue of public hearings in the Packwood case.

Today, the Senator said that if the committee has not met by the close of business today, she will bring her legislation to the floor at the first opportunity next week.

Mr. President, I think I speak for all committee chairmen and chairwomen as well as previous chairmen and chairwomen when I say our committee schedule and agenda must not be dictated by another Senator. As strongly as the Senator from California believes there should be hearings in the Packwood case, I strongly believe that the Ethics Committee's timetable must not be set by a single Senator.

One thing is certain. The Ethics Committee will not meet today and will not schedule a future meeting today. We will not respond to any attempts to threaten the committee. If we open the door to that, in the future there could well be numerous efforts to bring ethics matters to the full Senate, and that is a dangerous road to take, Mr. President.

The committee would like to complete work on the Packwood case but perhaps everyone needs a cooling-off period. As long as Senator BOXER's threat remains, the cooling-off period will continue.

The one issue Senator BOXER and I agree upon is that the case before the committee is a serious one. It is one which has commanded the attention of committee members for countless hours over the last 2½ years. The committee members have labored long and hard, and they know much more about this case than any other Member of the Senate.

There is much to say about the Packwood case. Now is not the time to say it. I can assure my colleagues and the Senator from California that at the appropriate time, I will speak fully about the case and about the committee's work. At that time, I hope my colleagues will have a better understanding of the significance and the dimension of the matter.

The Senator's efforts are ill-informed and badly timed. After all, the committee lost practically a year in a legal dispute over obtaining Senator PACKWOOD's diary as evidence in the case. If Senator BOXER takes us on another such frolic and detour, it will only further distract us and prevent us from concluding this important case, and it will interfere with the Senate's agenda and the work the American people sent us here to do.

So if we find ourselves on the floor in the coming days debating legislation regarding hearings in the Packwood case or any other subject related to Ethics Committee procedures, I will be prepared, and I am sure others will be prepared, to discuss and debate congressional action on misconduct cases in the past and other relevant issues.

I thank the Chair, and I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

RESCISSIONS

Mr. SPECTER. Mr. President, I had sought recognition prior to the votes on the amendments offered by the Senator from Illinois, Senator CAROL MOSELEY-BRAUN, and the Senator from Minnesota, Senator PAUL WELLSTONE, prior to those votes. But since all time had expired and there was a tight timetable because other Senators wished to catch planes, there was not an opportunity to speak, and I would like to make a few brief comments at this time.

I opposed those amendments not because I would not have preferred to have seen the additional funding in those important accounts, but because those issues had been resolved in a very extensive negotiation session with the House of Representatives and further proceedings with the White House.

When Senator MOSELEY-BRAUN made the statement, yes, we have to make cuts, that they have to be made fairly, I certainly agree with her totally. The measure which came out of the subcommittee which I chair, the Subcommittee on Labor, Health and Human Services and Education, was a vigorous, incisive, strenuous effort to make those cuts as fairly as we could and to establish priorities.

When the amendment offered by Senator WELLSTONE and Senator MOSELEY-BRAUN included veterans job training, displaced workers job training, education infrastructure, safe and drug free schools, education technology, Eisenhower professional development, job training partnership youth job training and the job training partnership adult job training, I would have wanted very much to have included those additional sums. My voting record is plain on that subject.

In fact, when the House of Representatives sent over a rescissions package of $5.9 billion, as a result of action taken by the Senate subcommittee which I chair and then the full Senate in extended proceedings, that $5.9 billion in cuts was reduced by some $3 billion so that we did restore a tremendous amount of money.

When it comes to the question of LIHEAP, low-income heat and energy assistance, as Senator WELLSTONE noted—I was on the floor at the time—he referred to the Senator from Pennsylvania as a champion of LIHEAP, which I thank him for and I think the record of the last 15 years will support.

When the House of Representatives had sent over $5.9 billion in cuts and had zeroed out $1.319 billion, I made a fight of it. I started that fight and won it by reinserting $1 billion of those funds and seeing to it that we added an additional $300 million to the President's emergency fund. That means

that we brought the amount practically to the full $1.319 billion. I would have to say that was a total victory.

So when Senator WELLSTONE and Senator MOSELEY-BRAUN seek an amendment to add $319 million, I would like to see that extra funding. I have said on the Senate floor that when it comes to the poor and the elderly, that it is a matter of heating or eating. Those funds are really very, very important. But we are going to have further negotiations with the House of Representatives, and the House has already indicated that they want to eliminate all funding for LIHEAP in the future.

It was not easy for me to vote to table the amendment adding $319 million for LIHEAP funding, but I did so because we had already crafted a hard-fought-out compromise which had, in effect, restored $1.3 billion, leaving only $19 million short. I am going to have to go back and deal with the House Subcommittee on Labor, Health and Human Services and Education and try to work the matter out. So I am hardly in a position to support Senator WELLSTONE and Senator MOSELEY-BRAUN.

We are looking at a very, very difficult budget, Mr. President, as we all know. I am convinced that we need to balance the budget. We have a 7-year glidepath to get that done. These votes are not easy to explain, and it is not difficult for other Senators, after seeing the work done, to come in and say, ''I'd like to add some more money here.'' We all would. But it is simply not realistic to do.

The final budget, the final figure was worked out. After we looked at the House figure of $5.9 billion in cuts, we reduced it very substantially in the subcommittee. The cuts were reduced further by an amendment which was sponsored by the leadership, the Dole-Daschle amendment, which the Senator from Minnesota voted for. Then the measure was vetoed and came back, and then it was approved after difficult negotiations with the White House. So that the net effect was, looking at the first cut of $5.9 billion, we reinstated $3 billion of those funds.

On this date of the record, I think that it was just too much to come back and say let us add in more money for these projects and these programs, important as they may be.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. Yes, the Senate stands in morning business. There is an order pending to go to the bill.

Mr. DORGAN. I ask unanimous consent to be allowed to speak for 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. TRADE DEFICIT

Mr. DORGAN. Mr. President, this week we received some additional news about our trade deficit in the United States. This news, for almost everyone who reads about our trade deficit, provokes one giant yawn, a turn of the page, and we hear nothing about it.

In contrast, we have, since the first part of this year, been very worried about the Federal budget deficit. We have had hour after hour and day after day of debate about what to do with the budget deficit. That is an enormously serious problem for this country. We must deal with it.

In fact, an hour or so ago, we passed a rescissions bill, cutting some $16 billion in Federal spending as a first step. It is not nearly enough, but it is a pretty good first step before we get to the reconciliation bill to address the Federal budget deficit.

It is interesting that there is almost a conspiracy of silence in this country about the trade deficit. I wonder why? The trade deficit must be and will be some day repaid with a lower standard of living in the United States. That is a fact.

What is causing all of these problems with respect to trade? What does it result in for the American family? The circumstances, it seems to me, are these: We have in this country now record corporate profits. They have never been higher. The largest corporations in this country are making the highest profits they have ever made in history.

Wall Street is having a big old party—and God bless them, I think that is just wonderful. There are record highs on Wall Street. But while corporate profits reach new heights, and while the Wall Street crowd celebrates record highs, the question is, What about the family that sits down for dinner at home tonight and has to assess the family's economic circumstances?

The answer for the family is not record profits, and not new highs. The answer for 60 percent of the American families, when they sit down for dinner and talk about their circumstances, is that they are working harder and making less money. Mr. President, 60 percent of the American families now have less income than they had 20 years ago, when adjusted for inflation.

The other interesting thing is, in addition to the information produced about the trade deficit each month, there is another piece of information that is produced about wages. It gets almost no attention. Nearly every month, wages are falling. In other words, corporate profits are going up, stock prices are going up, investors are doing well. Wealth holders are celebrating, and folks out there working for a living are working for less wages. Why is that the case, and how does it relate to our trade deficit?

They are all part of the same circle. Corporate profits are at a record high. I think that is fine in some respects, except that if it comes at the expense of workers' incomes, there is a disconnection about what is important in this country. We now have what is called a global economy. What that means is American corporations and international corporations, for that matter, are told that it is just fine to go find a place to produce where you can produce dirt cheap, and hire folks for $1 a day or a dime an hour, and sell that production back to Pittsburgh or Fargo or Denver or San Diego.

What we have are good manufacturing jobs moving out of this country at a wholesale pace, and those manufacturing jobs are now in Indonesia, in Malaysia, in China, and yes, even on the Maquiladora border of Mexico, where two or three new plants every day are approved for manufacturing products, many of which used to be manufactured in this country.

Corporations find, in some parts of the world, you can hire a 12-year-old to work 12 hours a day for 12 cents an hour and produce a product that is shipped back to this country. It means we have lost good jobs in this country that used to produce good income. That is the disconnection.

It seems to me that we ought to measure success in our economic system in this country by how an economy produces a better standard of living for all Americans—all Americans, not just corporate America, all Americans—especially those who work for a living.

We have folks who sit on the front porch and smoke pipes and watch the grass grow. They hold bonds or stocks, they get dividends or interest, and God bless them. Some of them earn millions every year doing that. Some of them earn millions and pay almost nothing in taxes. But the question is, What is the fortune of the person who does not have stocks or bonds, but who works every day? What about someone who works every day, makes a wage, and then finds that every month, their wages are eroding because profits are up but wages are down?

We need to change that kind of economic system. The sum total of everything we do in this Chamber ought to be to try to restore economic health to this country, sufficient so that every American family—every American family—finds its standard of living improving.

Mr. President, 50 years after the Second World War, during the first 25 years, virtually all American families found better circumstances, better opportunities, higher wages. The second 25 years, what have we seen? Trade deficits, with American corporations moving overseas, leaving this country, taking their jobs to other parts of the

world, where they can produce cheap and sell here. What has that meant? It has meant a choking trade deficit for America, and lower wages for American workers. We ought not put up with it.

We fought for 50 years on the question of what is a livable wage. We have minimum wages in this country. We have worker safety standards. We have laws against child labor. You cannot hire 12-year-olds and pay 12 cents an hour and work them 12 hours a day. Those are successes in this country, that we have prohibited those kinds of things. Yet, all too often, we are choking on a trade deficit caused by producers who produce in circumstances where they could not produce in this country, and then ship their product here.

What it is doing is drying up economic opportunities for American citizens, and it ought to stop. We ought to say to every one of those countries, China especially—we have a $30 billion trade deficit with China—it is unthinkable we allow that to continue. We have a $65 billion trade deficit with Japan. We cannot get American products into Japan in any significant quantity, but we are a sponge for Japanese products. We buy all this material from China and when they want to buy wheat, they are off price shopping in Canada someplace.

The fact is, this country ought to start standing up for its own economic interests and start doing it soon. This trade policy is completely out of whack. It is hurting American families.

I am not suggesting isolationism or building walls around our country. But I am saying that America ought to stop getting kicked around with unfair trade practices. If our market is open to other countries' products, then their markets ought to be open to ours. If we will not allow the employment of 12-year-old kids at 12 cents an hour, we ought not to allow products from countries that do, to come to the American marketplace to undercut American jobs.

It is that simple. I have been on the floor almost weekly since the first of this year, and yearly in my time in Congress, to talk about this. One day, one way, we will change these policies and start standing up for the economic interests of this country—not just corporate profits, but also wages for American families.

THE LINE-ITEM VETO

Mr. DORGAN. Mr. President, let me turn to another subject. I talked about the fiscal policy, the budget deficit, when I began. It is a serious problem. I have voted for many ways to try to address the budget deficit.

I headed a task force in the House on Government waste. I have worked on a waste task force here in the Senate. I have cast dozens of votes to cut spending. I just voted for a rescissions bill to try to cut Federal spending.

I did not cast a vote for the proposal that eventually went down by one vote here in the U.S. Senate on a constitutional amendment to balance the budget. I did vote for a constitutional amendment to balance the budget. We had two of them. One was the right one and one of them was the wrong one. The one that was the main proposal would have taken $1.3 trillion in Social Security trust funds over many, many years and used it to balance the budget. I happen to think that is thievery. I happen to think that is taking things under dishonest pretenses, because it is taking money that comes from a paycheck and is promised to go into a Social Security trust fund to be saved for the future. Then they say, ''I know we say that, but we want to use that money instead to balance the budget.'' That is dishonest budgeting, and I would not vote for that.

But one element of dealing with the Federal budget deficit is an issue called the line-item veto. It, by itself, will not solve the deficit problem, but it will help with respect to those spending proposals that have never been the subject of hearings are stuck in bills that come through here. So I support a line-item veto and I have, for a dozen or 15 votes over the years, voted for a line-item veto.

One of the things I think is interesting about the line-item veto issue is this. The House of Representatives passed a line-item veto in February. We in the Senate passed a line-item veto in March. It is now the end of July and we have no line-item veto. Why? Because there has been no conference committee appointed to resolve the differences between the House and the Senate versions.

Why has there not been a conference appointed? The Contract With America included the line-item veto as one of their major elements. I supported it. I have always supported it. I think it makes sense.

But it is interesting to me that the Speaker of the House of Representatives has recently said that he does not think they are going to get around to the line-item veto this year. He wanted to talk about a line-item veto, he wanted to push a line-item veto, so he had a vote on a line-item veto in February. But he did not want a line-item veto to pass because he did not want a Democratic President to have a line-item veto.

I supported line-item vetoes when a Republican was in the White House because I do not think it matters who is President. A Republican President should have had a line-item veto when the Congress was Democratic and a Democratic President ought to have a line-item veto when the Congress is controlled by Republicans.

The other day I held up a little report from a newspaper that said, ''Gingrich Gets $200 Million in New Pork,'' just as an example. The question is, are the people who talked about a line-item veto more interested in producing pork or are they more interested in producing a line-item veto? I think the evidence is starting to suggest the former.

It is very simple for us to move on the line-item veto. If the Speaker of the House is unable, at this point, to understand how one gets to a conference, I have some step-by-step instructions.

First, think of the names of some U.S. House Members. Probably some of your friends.

Second, pick a few. That is not rocket science. Think of some names of your friends; pick a few.

Third, send the list to the House floor for action.

Let us have a conference and bring a line-item veto back to the floor of the House and the Senate and get it voted on, get it to the President, so before these appropriations bills come down to the President this year and before the reconciliation bill is sent to the President this year, this President has a line-item veto. If we are serious about the Federal deficit, let us deal with the issue called the line-item veto.

It is one thing to talk about it. It is another thing to do something about it. I see that the Speaker has indicated that maybe he will not be able to get to the line-item veto this year. The chairman of the House Appropriations Committee said yesterday it looks like they are not real anxious to move on that. It seems to me it is now time for us to ask the question: If you are serious about a line-item veto, this is the time to bring a line-item veto to conference, to the Senate and the House, and make it law, give it to this President, and let us use that to seriously reduce the Federal deficit.

Both Republicans and Democrats have a stake in fiscal policy that advances the economic interests of this country. That means reducing the Federal deficit and no longer including projects that have not previously been authorized in appropriations bills.

I support a line-item veto because it is the tool that is best equipped to stop that sort of practice, to save money, and reduce the Federal budget deficit.

I do hope in the coming days that we will discover that those who were so interested in the line-item veto early in this year continue to retain an interest in giving this President the line-item veto this year, the sooner the better.

Mr. President, how much time remains?

The PRESIDING OFFICER. About 4 minutes remains.

MEDICARE

Mr. DORGAN. Mr. President, we are nearing, now, the 30th anniversary of Medicare, in another week or so. Recently we have been discussing on the floor of the Senate, at great length, a range of Government policies that have been failures, and there are plenty. We have done a lot wrong and we need to

change that and address that. It is funny that we do not discuss success much. Success is not very sexy, not very interesting. Nobody writes about it.

There is an old saying that bad news travels halfway around the world before good news gets its shoes on. That is the way life is. You are not going to turn on a television program today and hear somebody say: Do you know what that Government did? That Government did this: In the last 20 years, this country, the United States of America, uses twice as much energy as it used 20 years ago and it has cleaner air. Do you know what that Government did? That Government put in place regulations that said polluters cannot keep polluting. We are going to require the air in America to be cleaned up. And 20 years later we have cleaner air and less smog. Things are not perfect yet, but 25 years ago people were talking about where we were headed and it was doom and gloom, an awful scenario, with degraded air and degraded water, a desperate situation. We have cleaner rivers, cleaner streams, less acid rain, and cleaner air, 20 years later.

That is a success. Nobody is going to celebrate much success, but we have done a lot of the right things. One of the things that we have done that is an enormous success in this country, in my judgment, is create a Medicare system for America's elderly. We have decided that if you get old, if you reach that age of retirement, we will give you some assurance that you are not going to suffer for lack of health care when you are sick.

This health care system has worked for the elderly in this country in a remarkable way, in a wonderful way. The fact is, a lot of people did not like it. A substantial part of one party voted against it when it was initiated. Some would say they are against everything for the first time. Then later on they support it when they find it works.

But now we are in a situation where some say, ''Let us threaten the underpinnings of Medicare because we do not like it, we never did like it, and we would like to privatize it.'' The fact is, the Medicare system works. We have folks here who bring priorities to the floor of the Senate, who say, we do not have enough money for Medicare. We want to take Medicare apart and dismantle it. We are going to threaten the very existence of Medicare. And we also, by the way, want to give a tax cut, the bulk of which goes to the richest Americans.

I brought charts to the floor to talk about the tax cut that has been proposed over in the House. We do not have numbers over in the Senate yet, but in the House it says if you are earning $30,000 or less, your tax cut is $112 a year. But if you have $200,000 or more in income, you get $11,000 a year in tax cuts. That is quite a deal, I suppose. If you are somebody who makes over a couple of hundred thousand dollars a year, especially if you are somebody who does not get your money from wages—if you get your money from interest and dividends—you are really doing well out of that plan.

But my point is, we say, at this point in our life as a country, that we have an enormous Federal budget deficit and the way to address that is to give a big tax cut to the wealthiest Americans and then turn around, after we have given the tax cut to the wealthiest Americans, and say, by the way, we do not have enough money for Medicare. We do not have enough money for what I think is an enormous, successful program in this country?

It does not make any sense to me. We have to be smart enough, it seems to me, to distinguish between what works and what does not, and keep what works and strengthen and improve it, and get rid of what does not. And we ought to take a look. We have been delaying clean air and clean water regulations and safe food regulations. Let us keep those that work. And let us keep the Medicare system, and, yes, let us improve it.

But let us not cut out the foundation from a program as important as the Medicare Program has been to this country. Let us especially not do that so we can give a big tax cut to the wealthiest Americans.

I live in North Dakota, in the northern Great Plains, the Old West. And we know about the wagon trains, because they crossed North Dakota not so long ago. Wagon trains did not move unless all the wagons moved. They did not make progress by leaving some behind.

The point with respect to the economic issues I have mentioned, including Medicare, is that at a time when corporations have record profits, the highest in history, the stock market is reaching record highs, and we see lower wages for American families. And then we hear the suggestion that the rich need a tax cut and that we ought to undercut the pinnings of Medicare. It just does not make any sense.

We ought to try to get all of these wagons moving along. We ought to try to get the standard of living for the average American family increasing—not decreasing. We have to support the things that work. Yes. Let us celebrate a little bit of success. And that is what I hope this debate will be about in the coming days and months. There is no debate about whether we should have regulatory reform. We have silly, foolish regulations that in my judgment hinder the work of small businesses and others. Let us get rid of them. But let us not roll back important regulations with respect to safe food and clean air and clean water.

Let us celebrate the success of programs that work and decide that these programs are going to strengthen—not undercut. That is what I hope this debate will be about between Democrats and Republicans. There ought not be such a great divide between the two parties in this Chamber. We want the same things. We have different approaches for getting there perhaps. But let us have a healthy, aggressive, robust debate and decide to celebrate things that work and change those that do not. Let us decide that we want a country whose economic system provides opportunity for all, which lifts all Americans, so that when they roll up their sleeves and want to improve their lives, they are able to do so.

Mr. President, I yield the floor.

THE LOBBYING DISCLOSURE AND GIFT BAN BILL

Mr. WELLSTONE. Mr. President, I just want to provide a very brief analysis to people in our country about a very important reform bill that is going to be coming to the floor on Monday, the lobbying disclosure and gift ban legislation, S. 101.

Mr. President, we will start the debate, and actually each section of lobbying disclosure and gift ban will be taken up separately. There is no question in my mind, Mr. President, that people in our country yearn for a political process that they believe in, and there is no question in my mind that people in our country—in Minnesota, Idaho, Massachusetts, all across the Nation—really want to see an open, honest, accountable political process. There are several critical ingredients to this, and two are certainly lobbying disclosure—Senator LEVIN has been an extremely capable legislator in taking the lead in this area, with Senator COHEN—and also the gift ban. Senator FEINGOLD, Senator LEVIN, Senator LAUTENBERG, and myself have all been very active.

The reason I come to the floor is that there is a development people ought to know about—an attempted substitute bill. This will be a McConnell-Dole initiative. Mr. President, I think people need to know about this initiative because I think it represents not a step forward but a huge leap backward.

Mr. President, this substitute bill is full of enough loopholes for many huge trucks to drive through. To give but just a few examples, lobbyists would be able to take you or me out to dinner one night, as long as it is anything under $100; the next time, maybe we could be taken to a Bullets game; the next time, we could go to an Orioles game; the next time, we would just be given a gift. It goes on and on and on, and there is no aggregation limit.

Actually, it is not per day but per occasion. Lobbyists, three times a day, breakfast, lunch, and dinner, but take us out as long as it is under $100 or give us some other gift, as many times as this lobbyist wanted to. It never would be counted and never would be disclosed. This is not comprehensive, sweeping gift ban legislation.

Second, to give but another example, the whole issue of charitable travel. I think it is important that Senators and Representatives, when they care about a charity, travel to an event. We should be there to support it. But to

have lobbyists pay for Members to be there with our spouses and with our families—and, by the way, playing golf and tennis at the same time—is inappropriate.

We ought to be letting go of this. I do not understand why Senators, regardless of their party, do not understand that if we want people to believe in the political process, and we do not want to see bashing of public service, we all believe in public service, we ought to let go of this.

This Dole-McConnell initiative, again, has a huge loophole. Likewise, Senators can set up legal defense funds and lobbyists can make contributions to those defense funds. That was prohibited in the original bill that we passed. Likewise, Senators can ask lobbyists to make contributions to different foundations. That was prohibited. Likewise, Senators can set up contributions and have lobbyists contribute money.

Mr. President, this is not reform. This is not a step forward. This is a step backward. This is an attempt to make an end run around reform. I just want people in the country to know about it. I do not understand what happened between last year and this year.

Last year, before the November election, the Senate voted 95–4 for the gift ban legislation, virtually identical to S. 101. Mr. President, 85 of those who voted for the measure have returned to the Senate. Three new Senators voted for a similar gift ban in the House. Now we see this effort to essentially eviscerate—if that is the right word—reform through this, through this measure to be introduced as a substitute by Senator MCCONNELL and Senator DOLE which, quite frankly, is unconscionable. It passes no credibility test.

Mr. President, last October 5, the majority leader said, ''I support gift ban provisions. No lobbyist lunches, no entertainment, no travel, no contributions to legal defense funds, no fruit baskets, no nothing.''

What has happened? Mr. President, I just come to the floor because I want people in the country to know about this. The debate starts Monday. I think, given this substitute that I gather is going to be laid out sometime on the floor—no question but it will—there is going to be, I think, really a historic, very intense debate, because 99.9999 percent of the people want comprehensive gift ban reform. That is what I think many are determined to make happen.

I yield the floor.

Mrs. KASSEBAUM. Mr. President, in response to the Senator from Minnesota, I say I am sure there will be a thorough debate once the facts of the legislation are down and before the Senate. I think we all share some similar goals.

RYAN WHITE CARE REAUTHORIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 641, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

The Senate proceeded to consider the bill.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I rise today to offer to the Senate for its consideration S. 641, the Ryan White CARE Reauthorization Act. This bipartisan legislation, which cleared the Labor and Human Resources Committee on a voice vote, is cosponsored by the ranking member of the Labor and Human and Resources Committee, Senator KENNEDY, and 63 other colleagues. The act reauthorizes critical health care programs which provide services for individuals living with HIV and AIDS. Accordingly, I urge the Senate to move expeditiously to pass this reauthorization legislation.

Mr. President, if I will just describe what this legislation is all about. The Ryan White CARE Act plays a critical role in improving the quality and availability of medical and support services for individuals living with HIV disease and AIDS. As the HIV epidemic continues, the need for this important legislation remains.

Title I provides emergency relief grants to eligible metropolitan areas [EMA's] disproportionately affected by the HIV epidemic. Just over one-half of the title I funds are distributed by formula; the remaining amount is distributed competitively.

Title II provides grants to States and territories to improve the quality, availability, and organization of health care and support services for individuals with HIV disease and their families.

Sometimes I think we do not think, when we are doing legislation such as this, about the stress that the families are under with such a tragic disease. This is why this initially came about, Mr. President, and this is why I think it does fill an enormously important niche.

The funds are used: to provide medical support services; to continue insurance payments; to provide home care services; and to purchase medications necessary for the care of these individuals. Funding for title II is distributed by formula.

Title III(b) supports early intervention services on an out-patient basis—including counseling, testing, referrals, and clinical, diagnostic, and other therapeutic services. This funding is distributed by competitive grants.

Finally, title IV provides grants for health care services and the coordination of access to research for children and families.

This legislation also includes many important changes to take into account the changing face of the HIV epidemic. When the CARE Act was first authorized in 1990, the epidemic was primarily a coastal urban area problem. Now it reaches the smallest and most rural areas of this country. In addition, minorities, women, and children are increasingly affected.

Chief among these improvements are changes in the funding formulas which are based on General Accounting Office [GAO] recommendations. The purpose of these changes is to assure a more equitable allocation of funding. These formula changes would better allocate funding based on where people currently live with this illness, rather than where people with AIDS lived in highest proportion in the past. In addition, the funds are better targeted based on differences in health care delivery costs in different areas of our country.

Based on a request from Senator BROWN and myself, the GAO has identified large disparities and inequities in the current distribution of CARE Act funding. This is due to: a caseload measure which is cumulative, the absence of any measure of differences in services costs, and the counting of EMA cases by both the titles I and II formulas.

To correct these problems, the new equity formulas will include an estimate of living cases of AIDS and a cost-of-service component. The AIDS case estimate is calculated by applying a different weight to each year of cases reported to the Centers for Disease Control and Prevention over the most recent 10 year period. The cost index uses the average Medicare hospital wage index for the 3 year period immediately preceding the grant award.

In addition, the new title II formula includes an adjustment to offset the double-counting of individuals by states, when such States also include title I cities.

Mr. President, with any formula change, there is always the concern about the potential for disruption of services to individuals now receiving them.

There is also a concern that someone will be getting more or someone will be getting less than they had before.

To address this concern, the bill maintains hold-harmless floors designed to assure that no entity receives less than 92.5 percent of its 1995 allocation over the next 5 years.

This reauthorization legislation also establishes a single appropriation for title I and title II. The appropriation is divided between the two titles based on the ratio of fiscal year 1995 appropriations for each title. Sixty-four percent is designated for title I in fiscal year 1996. This is a significant change which should help unify the interests of grantees in assuring funding for all individuals living with AIDS—regardless of whether these persons live in title I cities or in States.

Because the face of the AIDS epidemic is changing so rapidly, the Secretary is authorized to develop and implement a method to adjust the ratio of funding for title I and title II. This method should account for new title I cities and other relevant factors. If the Secretary does not implement such a method, separate appropriations for titles I and II are authorized, beginning in fiscal year 1997.

In an effort to target resources to the areas in greatest need of assistance, the bill also limits the addition of new title I cities to the program. The current designation criteria for title I cities was developed to target emergency areas. Five years after the initial enactment of the Ryan White CARE Act, the epidemic persists. However, the needs of potential title I cities are not the same as the original cities.

This is so because title II funding has been used to develop infrastructure in many of these metropolitan areas. This decreases the relative need for new cities to receive emergency title I funding.

The growth of new title I cities would be slowed beginning in fiscal year 1998. At that time, current provisions which establish eligibility for areas with a cumulative AIDS caseload in excess of 2,000 will be replaced with provisions offering eligibility only when over 2,000 cases emerge within a five-year period.

I believe this change will truly allow us to target these limited resources to areas where the real emergencies exist. As I talked with public health experts about this proposal, they indicated a rapid growth of AIDS cases over a five year period would truly stretch the limits of their existing public health infrastructure.

Mr. President, the legislation makes a number of other important modifications:

First, it moves the Special Projects of National Significance program to a new title V, funded by a 3 percent setaside from each of the other four titles. In addition, it adds Native American communities to the current list of entities eligible for projects of national significance.

Second, it creates a statewide coordination and planning process to improve coordination of services, including services in title I cities and title II states.

Third, it extends the administrative expense caps for title I and II to subcontractors.

Fourth, it authorizes guidelines for a minimum state drug formulary.

Fifth, it modifies representation on the title I planning councils to reflect more accurately the demographics of the HIV epidemic in the eligible area.

Sixth, for the title I supplemental grants, a priority is established for eligible areas with the greatest prevalence of co-morbid conditions, such as tuberculosis, which indicate a more severe need.

I believe that the changes proposed by this legislation will assure the continued effectiveness of the Ryan White CARE Act by maintaining its successful components and by strengthening its ability to meet emerging challenges. Putting together this legislation has involved the time and commitment of a wide variety of individuals and organizations. I want to acknowledge all of their efforts.

Mr. President, I would also like to say that this is a controversial bill. It has been ever since it was approved and became law in 1990. I think this is so largely because of the fear of AIDS, the concern about HIV, where it may strike next, and as I mentioned earlier, the changing face of this tragic disease, particularly when it strikes children. I think we wonder how can this be.

We have in the past had infected blood transmitted by blood transfusions. We are beginning to try to gain control over that so that the frequency of that does not occur. But it becomes a ripple effect that goes down through families.

It is a tragic disease, and it is one for which I think we all want to be able to help provide some support for a population that is viewed with great uncertainty and great concern, and as I said, great fear. That is why we always have a hard time with this legislation, Mr. President. We have a hard time making the case, even though there are 63 cosponsors, that this is an important piece of legislation; it will help a large number of people.

I am particularly appreciative of the constructive and cooperative approach which the ranking member of the Labor and Human Resources Committee, Senator KENNEDY, has lent to the development of this legislation. I also wish to thank the other 63 cosponsors of this bill for assisting me in bringing this important legislation to the floor. I am not without an understanding of those who oppose this legislation and their concerns. These are about our limited resource dollars, our limited support of those in need in the health care area, and the question of why we are targeting this money to this particular arena.

I hope that the Senate can act promptly and approve this measure.

I yield the floor, Mr. President.

Mr. KENNEDY. Mr. President, let me say at the outset how much I think all of us on this side of the aisle appreciate the leadership of Senator KASSEBAUM and her colleagues, our colleagues on the Labor and Human Resources Committee and in the Senate, in support of this legislation, the Ryan White CARE Reauthorization Act of 1995.

The fact is, Mr. President, at times of human suffering or great national tragedies or epidemics, it has always been the leadership of the Federal Government that has helped our fellow citizens deal with difficulties. It is in that very important tradition that this legislation was created and I urge the Senate to accept it today. This is critically important legislation. I am pleased that it is the first Labor Committee initiative to reach the full Senate.

For 15 years, America has been struggling with the devastating effects of AIDS. More than a million citizens are infected with the AIDS virus. AIDS itself has now become the leading killer of all young Americans ages 25 to 44. AIDS is killing brothers and sisters, children and parents, friends and loved ones—all in the prime of their lives.

From the 10,000 children orphaned by AIDS in New York City alone, to the 18-year-old gay man with HIV living in the Ozarks of Oklahoma, this epidemic knows no geographic boundaries and has no mercy.

Nearly 500,000 Americans have been diagnosed with AIDS. Over half have already died—and yet the epidemic marches on unabated.

The epidemic is a decade-and-a-half old—almost 40 percent of the AIDS cases in the country have been diagnosed in the last 2 years. One more American gets the bad news every 6 minutes. And each day, we lose another 100 fellow citizens to AIDS.

As the crisis continues year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem. In a very real way, we are all living with AIDS. There are few of us, even here in the Senate, who do not know someone who is either infected with AIDS or directly touched by AIDS.

The epidemic has cost this Nation immeasurable talent and energy in young and promising lives struck down long before their time. And our response to this plague—and the challenges it presents—will surely document in the pages of history what we stood for as a society.

Five years ago, in the name of Ryan White and all the other Americans who had lost their battle against AIDS, Congress passed and President Bush signed into law the Comprehensive AIDS Resources Emergency Act. In dedicating this bill to the memory of Ryan White, the Senate Labor and Human Resources Committee stated in its report:

> Beginning at the age of 13, Ryan White valiantly fought not only the AIDS virus, but also fear and discrimination based on ignorance. With dignity, patience and unwavering good cheer, Ryan White introduced America and the world to a face of AIDS that caring human beings could not turn their back upon. First through his courageous fight to go to school with his peers, then through his tireless efforts to educate others about the realities of his illness, young Ryan White changed our world. By dedicating this legislation to Ryan, the Labor Committee affirms its commitment to providing care and compassion and understanding to people living with AIDS everywhere. Ryan would have expected no less.

America can take satisfaction that—in these difficult times—sometimes we get it right. In the case of the CARE Act—I think we have.

AIDS has imposed demands on our health care system that were totally unanticipated a decade ago. In 1980, no Federal, State, or local public health

agency could possibly have foreseen the introduction of a novel and lethal infectious disease into 20th century society. Yet without warning, communities across this country were faced with an ever-expanding epidemic—creating the need for essential health and support services for hundreds of thousands of Americans who previously had little contact with the health care system.

In preparing to respond, the committee heard horror stories of people with AIDS waiting 10 or 12 days in overflowing emergency rooms—only to die before they were seen. I visited these hospitals and I talked with these families. We held hearings across the Nation. We took testimony in an old school house in a southern rural town, where we heard from a person with AIDS who traveled for many hours to reach an urban clinic—for fear that if anyone in his home town knew his HIV status, he would be banished, or killed. The human tragedy brought about by AIDS was staggering, even unfathomable—and cried out for national relief.

In 1990, advocates, organizations, and frontline service providers gave us the sound advice that the development and operation of community-based AIDS care networks could help shore up the Nation's overburdened health care delivery system, while improving the quality of life and efficiency of services for individuals and families with AIDS.

These principles were affirmed in recommendations made by two successive commissions on AIDS—one appointed by President Reagan and chaired by Adm. James Watkins, the other created by Congress and chaired by Dr. June Osborn.

In a report to President Bush, the National Commission on AIDS stated:

> Federal disaster relief is urgently needed to help states and localities provide the HIV treatment, care, and support services now in short supply. The Commission strongly supports the efforts in Congress to address this need. The resources simply must be provided now or we will pay dearly later.

With broad bipartisan support, and 95 votes in the U.S. Senate, we passed the landmark Ryan White CARE Act. We joined together in the interest of the Nation. We put people before politics. We took constructive action that has made a world of difference.

The CARE Act contains a series of carefully crafted components that together form the strategy that has reduced inpatient hospitalization and emergency room visits—and allowed more than 300,000 Americans with HIV disease this year to live longer, healthier, and more productive lives.

Let me for a minute mention the various aspects of the program that form the CARE Act.

Title I provides emergency relief for cities hardest hit by AIDS.

Basically, we establish a threshold of 2,000 cases. Once the cities reach that threshold in terms of diagnosed AIDS cases, they will be eligible for help and assistance. That is why a continued expansion of the program is necessary, as more and more cities are reaching that 2,000 level.

As more and more reach that 2,000 level and become eligible, we will need additional resources to meet this growing need.

Title II provides funding for all 50 States to organize and operate care consortia, to offer home care services and lifesaving therapeutics, and to assist in the continuation of private insurance coverage for those who would otherwise be bankrupted.

We have a funding stream targeted to the areas hardest hit by HIV. We also have grants that go to all 50 States to permit the States to develop programs to meet their growing need. As Senator KASSEBAUM pointed out, we are seeing an increasing incidence in many of the rural areas of this country.

The basic thrust of these programs is to develop humane and compassionate ways to provide essential services to individuals and families with HIV. This approach is also cost-effective and reduces pressure on the health care systems in these seriously impacted communities.

Title III provides funding for community health centers and family planning clinics to offer primary care and early intervention services to men, women, and children with HIV in underserved urban and rural communities which face an increasing demand for care.

Title IV links cutting-edge pediatric AIDS research with family center health and support services to meet the unique needs of children, youth, and families with HIV.

One of the great human tragedies is the number of babies born HIV positive, infants born into this world with HIV. We are providing help and assistance to those children as well.

There has been some enormously significant and important research that has been done that has offered great hope and opportunity with early intervention of freeing these infants from transmission by providing their mothers with AZT during pregnancy and delivery.

There has been important progress made. It is the kind of research that is also being done out of NIH in a coordinated way. We want to be able to be responsive to the needs of children, youth and families that have been affected and infected. This is enormously important.

I had the opportunity to visit a center at Boston City Hospital. It was really one of the most moving and tragic visits I have ever made. But the people who are working with these infants, the volunteers that go in there and give care and attention to these babies is one of the most inspiring examples of selflessness. We want to try and at least maintain, as title IV does, cutting edge pediatric research with family centers in our country.

Title V provides funds for national demonstration projects targeted to HIV populations with special needs, including minorities, the homeless, and Native Americans.

Together these titles function to put in place a strong national response with a proven track record of success. In a very real way, the CARE Act has saved both money and lives.

In Boston, the CARE Act has led to dramatically increased access to essential services. This year, because of Ryan White, 15,000 individuals are receiving primary care, 8,000 are receiving dental care, and 9,000 are receiving mental health services. An additional 700 are receiving case management services and nutrition supplements.

This assistance is reducing hospitalizations, and is making an extraordinary difference in people's lives.

In Newark, pediatric admissions at Children's Hospital decreased by 33 percent and the length of stay has decreased by half because of the coordinated family-based care offered through the act.

I think primarily San Francisco, which experimented with a variety of ways of providing community based care, has been a model from which other cities have drawn and made a very important difference. San Francisco has increased the quality of life of people living with HIV and also has diminished, in a very significant way, the financial cost of treatment.

In Denver, emergency room visits have been reduced by 90 percent and hospitalizations by 60 percent as a result of a home care program for the uninsured paid for by the CARE Act.

In Florida, Minnesota, and Wisconsin; the State saved more than $1 million—or nearly $10,000 for each person with AIDS—by using CARE dollars to help individuals continue their private health insurance coverage.

While much has changed since 1990, the brutality of the epidemic remains the same. When the Act first took effect, only 16 cities qualified for ''emergency relief''. In the past five years, that number has more than tripled—and by next year it will have quadrupled.

This crisis is not limited to major urban centers. Caseloads are now growing in small towns and rural communities, along the coasts and in America's heartland. From Weymouth to Wichita, no community will avoid the epidemic's reach.

We are literally fighting for the lives of hundreds of thousands of our fellow citizens. These realities challenge us to move forward together in the best interest of all people living with HIV. And that is what Senator KASSEBAUM and I have attempted to do.

The compromise in this legislation acknowledges that the HIV epidemic has expanded its reach. But we have not forgotten its roots. While new faces and new places are affected, the epidemic rages on in the areas of the country hit hardest and longest.

The pain and suffering of individuals and families with HIV is real, widespread, and growing. All community-

based organizations, cities, and States need additional support from the Federal Government to meet the needs of those they serve.

The revised formulas in this legislation will make these desperately needed resources available based on the number of people living with HIV disease—and the cost of providing these essential services.

The new formula will increase the medical care and support services available to individuals with HIV in many cities, including Boston, Los Angeles, Philadelphia, and Seattle, and in many States.

Equally important, the compromise will ensure the ongoing stability of the existing AIDS care system in areas of the country with the greatest incidence of AIDS. The HIV epidemic in New York, San Francisco, Miami, and Newark is far from over—and in many ways, the worst is yet to come.

This legislation represents a compromise, and like most compromises, it is not perfect and it will not please everyone. But on balance, it is a good bill—and its enactment will benefit all people living with HIV everywhere in the Nation.

We have sought common ground. We have listened to those on the frontlines. And we have attempted to support their efforts, not tie their hands.

Congress must now once again put aside political, geographic, and institutional differences to face this important challenge squarely and successfully. The structure of the CARE Act—affirmed in this reauthorization—and its well-documented effectiveness provide a sound and solid foundation on which to build that unity.

Hundreds of health, social service, labor, and religious organizations helped to shape the reauthorization's provisions. The reauthorization has been praised by Governors, mayors, county executives, and local and State AIDS directors and health officers. It has required all levels of government to join together in providing services and resources. And success stories of this coordination are now plentiful.

Community-based AIDS service organizations and people living with HIV have had critically important roles in the development and implementation of humane and cost-effective service delivery networks responsive to local needs.

Although the resources fall far short of meeting the growing need, the Act is working. It has provided life-saving care and support for hundreds of thousands of individuals and families affected by HIV and AIDS. Through its unique structure, it has quickly and efficiently directed assistance to those who need it most.

The Ryan White CARE Reauthorization Act, however, is about more than Federal funds and health care services. It is also about the caring American tradition of reaching out to people who are suffering and in need of help. Ryan White would be proud of what has happened in his name. His example, and the hard work of so many others, are bringing help and hope to our American family with AIDS.

The CARE Act has been a model of bipartisan cooperation and effective Federal leadership. Today that tradition continues. Sixty-three Senators join Chairman KASSEBAUM and me in presenting this bill to the Senate. It has been unanimously reported by both the Labor and Human Resources Committee in the Senate and the Commerce Committee in the House.

We must do more and do it better to provide care and support for those trapped in the epidemic's path. And with this legislation, we will.

Mr. President, again, I thank our chairperson, Senator KASSEBAUM, for her leadership and for working through a number of recommendations and changes. There have been changes in the way the funding will be distributed, and any time you engage in that, there will always be some winners and some losers.

It is a compromise which I support. It took a good deal of time to work this through, but I commend her for her diligence and for her ability to bring us all together on to some common ground.

Finally, I think those individuals who are looking to this legislation for some hope ought to find it as we go forward. It has broad bipartisan support. We expect that, as the majority leader has indicated, we will pass this in the very near future —certainly in the period of time before the August recess. If you take the progress being made in this area, the progress being made in the Office of AIDS research at the NIH, and the progress we have made with the Americans With Disabilities Act in the not too recent past, I think what Americans can take some satisfaction in is that we are trying to deal with this issue as a public health issue. We are trying to deal with it in a humane fashion. We are putting aside, during this debate, ideology and rhetoric in dealing with the facts at hand. We should follow scientific, and medical judgements and reflect caring and compassionate leadership, which we are about when we are at our best.

So this is really a hopeful piece of legislation. It will make a difference to tens of thousands of our fellow citizens. It is an area of important need. It is building on solid records of achievement and accomplishment. It reflects a number of the recommendations that have been made by Republicans and Democrats alike. It is a reflection of many of our colleagues' good recommendations and suggestions. We are very grateful to all of those that have been a part of this legislation. I am very hopeful that the Senate will pass it in the very near future.

I yield the floor.

Ms. MIKULSKI. Mr. President, I rise today in strong support of the Ryan White Comprehensive AIDS Resources Emergency [CARE] Act reauthorization. This act that honors the memory of a teenager who touched the lives of all Americans by bringing to the public's consciousness the need to respond to people living with AIDS. I am proud to be a cosponsor of this legislation and I urge my colleagues to join me in keeping the ''care'' in the Ryan White CARE Act.

My home State of Maryland, and Baltimore in particular, has benefited greatly from the services funded under the Ryan White CARE Act. Many Marylanders with AIDS would have gone without care or received substandard care if this law was not in existence. The CARE Act has provided primary care services and specialized HIV/AIDS care specifically for children, adolescents, women, men, and families through cost-effective community-based, family-centered comprehensive systems. In Maryland alone, the number of reported AIDS cases has increased every year since 1990 when the Ryan White CARE Act was first passed. In 1990, the number was 923, in 1992 it was 1,242, in 1993 it was 2,483, and last year it was 2,810.

As we have seen in Maryland, the AIDS epidemic is far from over. The greatest spread of the disease in Maryland has been in the Baltimore metropolitan area. In Baltimore City alone in 1993. there was a 64.4 percent increase in the AIDS caseload. The number of AIDS cases in Baltimore has multiplied more than 21 times since 1985. Sixty-one percent of AIDS cases in Maryland are in Baltimore.

The Federal Government has always responded to national tragedies and epidemics with targeted assistance—AIDS is no different. We must make sure that the Ryan White CARE Act continues to provide community-based care as well as new care and prevention programs. I believe this Act as reauthorized accomplishes this goal.

We cannot ignore the human element of this disease and the individuals whose lives have been affected by it. We cannot forget their personal plights and how this law has affected their lives. We have an opportunity today to do the right thing by reauthorizing this Act. We need to ensure that those affected by HIV and AIDS receive help in coping with the ravages of this dreaded disease.

AIDS is a disease that does not discriminate among children and adults, rich or poor, Democrats and Republicans. It affects everyone. Now is the time to come together in a bipartisan way to show Americans living with AIDS and their families that their elected officials—their Congress—is standing firmly behind them in their time of need. Let's keep the ''care'' in the Ryan White CARE Act.

Mrs. KASSEBAUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I rise in strong support for quick action to approve the funding for the Ryan White CARE Act. The Ryan White CARE Act is an example of Government at its best. It is an initiative that has worked well in spite of the unfortunate and tragic growth in the number of AIDS and HIV. This has been a difficult disease for the country to deal with and an even greater challenge for the individuals and families of individuals stricken with the disease.

When Ryan White was first enacted, about 128,000 Americans were diagnosed with HIV. Now, unfortunately, there are more than 480,000 diagnosed cases.

Unfortunately, Mr. President, and probably predictably so, AIDS is one of those things that none of us like to talk about. It is a subject that brings fear in the hearts of anyone who even raises the question. But it is, I think, vitally important that we talk about it, and it is vitally important that we engage in debate about priorities and how we go about responding to what is truly an American emergency.

AIDS is just such an emergency. HIV is just such an emergency. Ryan White has been there to respond in a comprehensive and sensible way to that emergency. It is cost effective. It is working. It is responsive. And again, it represents the best of America.

Let me say at the outset that Ryan White funding plays a critical role in ensuring that people with HIV and AIDS receive not just health services but case management, home services, housing services, transportation, and it is a comprehensive approach to dealing with the entire individual and the entire community.

The funding goes to State and local governments to deal with HIV-infected populations within that community, as well as to provide support for community initiatives designed to try to provide the kinds of supports that will be responsive to the particular health needs of that community.

One of the things that needs to be talked about during the health care debate is the fact that here in America no one goes without health services.

If you think about it, everyone gets services in one form or another. If somebody falls out in the middle of the street or someone gets sick, somewhere, somehow or another, they will get served. The question becomes, how does it get paid for?

Unfortunately, our health care system is broken—we have the finest health care in the world, but in many ways it is a broken one. The fact is, the way the system works now, uncompensated care costs get shifted back and forth, and so in many instances, people who go to the hospital and pay private pay for health coverage, for health services, wind up paying $100 for aspirin, and that is just an apocryphal example. But the reason aspirin costs $100 is because of uncompensated care provided to people in other points in the system. Hospitals have provided the care. They have to recover that cost in some way and very often those costs get shifted to people who have private insurance and the like.

What Ryan White does, then, if you look at it in the scheme of things, Ryan White says here is a particular population with particular health needs and a community need to have these health needs met. We are going to provide funding to State and local governments, to health care institutions, to research institutions and the like, to try to address this specific problem so these costs will not be shifted and these costs will not be spread and we can be responsive in a comprehensive way.

So Ryan White-funded health care services help not only keep people healthy, and of course I know some of my colleagues have spoken to the human dynamic that is involved with Ryan White, but it also helps to provide a way of providing health care services in a way that does not call for this unaccountable kind of cost shifting that we might see in our health care system overall in the absence of Ryan White.

Mr. President, my State, Illinois, received in Federal funding for AIDS programs a total in 1994 of about $60 million. This is a lot of money. But certainly the fact is that the population is large and is growing and Ryan White has been responsive to a number of different institutions in the State of Illinois to provide for health care services: Emergency funds for care services, funds to the State health departments for support and care services, funds to community-based clinics and migrant health clinics to provide outpatient early intervention and primary medical services, funds to support pediatric, adolescent, and family programs.

All of these are vitally important, particularly given the fact that the AIDS population and HIV population is growing with regard to pediatrics, with regards to the children—that population is expanding. I think we have every obligation to see to it that we respond to the health needs of the community and the health needs of the individuals who are suffering with this dread disease in a way that is efficient. Certainly, Ryan White is that cost-effective, that efficient approach to health care funding for AIDS and HIV.

Finally, I would like to make a special appeal to my colleagues to look at this program and not allow us to get into a tradeoff between diseases, if you will. The fact is, we have a universal interest in seeing to it that the health care of America is something that we respond to as a society, not just because it is good for the individuals but because it is good for our society as a whole.

I do not think it can ever be argued that one disease versus another disease should be competitive. Indeed, if anything, we have, I think, an obligation to provide people with quality health care and access to health care and the availability of funding for that health care in a system of health care that is responsive to our total population needs.

I understand this legislation has broad-based bipartisan support and so this is not a partisan issue. This is certainly not an issue that should be controversial in any way. I hope there will not be any controversy.

I certainly want to applaud Senators KASSEBAUM and KENNEDY for working through the issues surrounding this legislation. Senator KASSEBAUM has been a leader in the health area for a long time and I applaud her for her efforts in this regard and applaud her for this legislation, and I urge its quick passage by the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I am pleased that the Senate is now considering S. 641, the Ryan White Comprehensive AIDS Resources Emergency, CARE, Reauthorization Act of 1995. In 1990, Congress enacted the Ryan White CARE Act, named in honor of the young hemophiliac who devoted enormous energy educating Americans about the need for a compassionate response to people living with AIDS.

The Ryan White CARE Act is the cornerstone of Federal funding for AIDS-specific care and has played a critical role in improving the quality and availability of medical and support services for individuals with HIV and AIDS. Since its enactment, the CARE Act has provided life-sustaining services to over 300,000 people with HIV/AIDS, including primary health care, prescription drugs, home health care and hospice care, dental care, drug abuse treatment, counseling, case management, and assistance with housing and transportation.

I commend the sponsors of this legislation, Senators NANCY KASSEBAUM and EDWARD KENNEDY, for their leadership on this issue of national importance. S. 641 would amend the CARE Act and extend authorization of the grant programs, which expire on September 30, 1995. As AIDS is the leading cause of death of young adults, we cannot let reauthorization of the CARE Act be delayed any longer nor diluted through negative amendments. I am a cosponsor of this legislation and believe that it will strengthen the CARE Act and enhance our ability to be responsive to the evolving nature of this epidemic. The measure, which enjoys bipartisan support, was favorably reported out of the Senate Labor and Human Resources Committee by a unanimous vote on March 29, 1995.

The sponsors of this legislation recognize that the changing demographics of the AIDS epidemic require a more

equitable distribution of funding in order to balance the needs of people across this country living with HIV and AIDS. Accordingly, S. 641 builds on the program's strengths and makes significant improvements by modifying the funding formulas to reflect the changing nature of the AIDS epidemic. The legislation before us would assure a more equitable allocation of funding as it restructures formulas based on an estimation of the number of individuals currently living with AIDS and the costs of providing services

I urge my colleagues to support, without amendment, S. 641, the Ryan White Care Reauthorization Act of 1995.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I thank the Senator from Hawaii and prior to the Senator from Hawaii speaking, the Senator from Illinois, Senator MOSELEY-BRAUN, for their cosponsorship and assistance with this legislation as we have been putting it together and as it is now ready to be considered by the full Senate.

I just wish to thank the Senator from Hawaii for his support.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am proud to be a cosponsor of the Ryan White CARE Act.

Today, AIDS is the leading cause of death among Americans between the ages of 25 to 44 years. Truly, a staggering statistic.

Since the beginning of the epidemic in 1981 through June of 1994, the number of reported AIDS cases in Vermont is 213. Eighty-two of these cases were reported in the previous year alone. This represents an increase of 242 percent over the reported total in 1991–92.

AIDS knows no gender, sexual orientation, age, or region of the country. AIDS is something that affects all of us.

Since its enactment in 1990, the Ryan White CARE has done so much to help provide health care and services to the growing number of people with HIV/AIDS. I hope that we can work toward a speedy passage.

Mr. President, I ask unanimous consent to be able to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT FOR CONGRESSIONAL LEADERSHIP AGAINST LANDMINES

Mr. LEAHY. Mr. President, on June 16 I introduced S. 940, the Landmine Use Moratorium Act. My bill, which calls for a 1-year moratorium on the use of antipersonnel landmines, aims to exert U.S. leadership to address a problem that has become a global humanitarian catastrophe, the maiming and killing of hundreds of thousands of innocent civilians by landmines.

Landmines are tiny explosives that are concealed beneath the surface of the ground. There are 100 million of them in over 60 countries, each one waiting to explode from the pressure of a footstep. Millions more are manufactured and used each year. The Russians are scattering them by air in Chechnya. They are being used by both sides in Bosnia, where 2 million mines threaten U.N. peacekeepers and humanitarian workers there, as well as civilians.

In Angola there are 70,000 amputees, and another 10 million unexploded mines threatening the entire population. Mines continue to sow terror in dozens of countries in Asia, Africa, Latin America, and the former Soviet Union.

Again, my bill calls for a 1-year moratorium on the use of antipersonnel mines. Not because the United States uses landmines against civilian populations the way they are routinely used elsewhere, but because without U.S. leadership nothing significant will be done to stop it.

Like the landmine export moratorium that passed the Senate 100 to 0—2 years ago—and like the nuclear testing moratorium, my bill aims to spark international cooperation to stop this carnage. Time and time again we have seen how U.S. leadership spurred other countries to act.

The Landmine Use Moratorium Act has 45 cosponsors—37 Democrats and 8 Republicans. They are liberals and conservatives. They understand that whatever military utility these indiscriminate, inhumane weapons have is far outweighed by the immense harm to innocent people they are causing around the world.

Every 22 minutes of every day of every year, someone, usually a defenseless civilian, often a child, is horribly mutilated or killed by a landmine. It is time to stop this. My bill takes a first step.

Mr. President, in recent weeks, newspapers around the country have published editorials and articles about the landmine scourge and the need for leadership by Congress.

I ask unanimous consent that several newspaper articles about the Landmine Use Moratorium Act from Maine, Oregon, Pennsylvania, and elsewhere, as well as several defense publications, be printed in the RECORD.

I also ask unanimous consent that Senator GORTON be added as a cosponsor to S. 940.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Defense News, July 10–16, 1995]

LAND-MINE BAN WOES

In 1994, about 100,000 land mines were removed from former war zones at a cost of $70 million. At the same time, another 2 million mines were deployed elsewhere.

These and other sobering, frustrating statistics came out of a three-day international conference in Geneva last week on mine-clearing.

The daunting prospect of new mines being sown at a rate 20 times faster than they can be removed is matched by the apparently futile attempts to ban the sale and manufacture of these inexpensive weapons.

There is some momentum to enact an international ban, with 25 nations adopting moratoriums on mine exports and three—Mexico, Sweden and Belgium—calling for comprehensive bans on their sale and manufacture. But in Geneva, it was concluded that banning land mines must be a long-term goal.

Despite the clear evidence that these weapons often can serve as everlasting and deadly vestiges of wars long resolved, some countries demand the right to keep them in their inventories.

The nations that want to have land mines in their inventories typically are not the same 64 countries where collectively 100 million land mines kill or maim 500 persons each week. If they were, perhaps a comprehensive ban would not be so elusive.

BURY MINE VIOLENCE

While international support is growing for a comprehensive ban on the sale and manufacture of antipersonnel mines, Western leaders must speak with one voice in demanding stronger curbs on these weapons that kill about 70 people each day.

Following the U.S. lead, 18 countries have declared moratoriums on the export of antipersonnel land mines and a U.N. conference beginning in September in Vienna will examine how and where antipersonnel land mines may be used.

Despite these and other promising signs, a worldwide ban on these mines that kill or maim 26,000 people each year remains an unlikely outcome of the U.N. meeting.

Even the European Parliament, which is hoping to influence the U.N. decision by soon adopting its own resolution calling for an antipersonnel mine ban, may have trouble achieving consensus.

While Belgium, for instance, banned all production, sale and export of antipersonnel mines last month, officials from other countries, such as Finland, insist that antipersonnel mines are a vital asset in national defense.

Because of these widely divergent views, a strong European Parliament resolution renouncing antipersonnel mines may be an elusive goal.

Even the United States, which had been a leader in the drive to rid the world of antipersonnel land mines, is falling off the pace. Despite a landmark speech by U.S. President Bill Clinton to the U.N. General Assembly in September in which he stressed the elimination of antipersonnel land mines, the government would allow the sale of certain high-tech antipersonnel land mines if the congressionally imposed export ban that ends in 1996 is not extended.

The U.S. military wants to keep high-tech antipersonnel mines that are self-deactivating. And a multilateral mine control regime being touted by U.S. officials concentrates on eliminating long-lived antipersonnel mines that do not self-destruct or self-deactivate.

While the newer high-tech mines offer great improvements over many of their predecessors, they nonetheless are dangerous

weapons that should be included in a global ban.

Antitank mines, however, are vital weapons in the modern battlefield and do not cause the civilian casualties that antipersonnel mines do.

As Sen. Patrick Leahy and Rep. Lane Evans said in a letter to Mr. Clinton after his September speech, ''* * * land mines undoubtedly have some military use, that must be weighed against their advantage as a force multiplier for potential enemies in countries like Somalia or Iraq, where our troops increasingly are being sent.''

But soldiers are not the most frequent victims of these mines. Civilians, often children, are.

More mines are being scattered each day in places like Chechnya and the former Yugoslavia. The global landscape already is littered with 85 million to 100 million unexploded antipersonnel mines.

Western leaders must act now to ensure more of these mines are not sown and that programs are put in place to verify compliance to the ban.

[From Navy Times, July 24, 1995]

SANITY MAY TAKE ROOT IN LAND MINE DEBATE

(By George C. Wilson)

Far too many of us still see the hurt and disbelief in the eyes of someone who has just been hit by a land mine. The eyes that still bore into my mind are those of a little Vietnamese girl who set off a mine while washing clothes on the bank of the Perfume River in Hue in 1990—a full 15 years after the war was supposed to be over for her and everyone else.

The girl lay in a hospital bed in Hue with bandages over most of her body. Her mother was attending her because of the shortage of nurses. The mother looked up from her bedside chair and asked me through a translator why the ''booms'' were still going off. Her daughter just stared at me in searing silence.

I had no answer then, but have something hopeful to say now. The U.S. Senate, perhaps this week but certainly this summer, will confront the scourge that maims or kills somebody in the world every 22 minutes. As many as half of the victims are children like the one I saw in Hue.

Soldiers know how to detect and disarm mines. Children don't. Sowing mines is like poisoning village wells: The soldiers on both sides realize the danger, drink from their canteens and move on. Not so with the villagers.

Sen. Patrick J. Leahy, D-Vt., and more than 40 Senate co-sponsors have drafted legislation that would declare a one-year moratorium on sowing mines on battlefields, starting three years from now. Claymore mines, which infantrymen spread around their positions at night and use in ambushes, would be excluded from the experimental, one-year ban. So would anti-tank mines. Also, international borders, like the demilitarized zone between North and South Korea, could still be sown with mines.

The Leahy proposal is but a short step toward the goal of inspiring an international agreement to ban land mines the way the nations managed to ban the use of poison gas and dum-dum bullets. But it is a symbolic step. It will at least force the Congress, the military and the public to confront this uncontrolled sowing of poison seeds.

In the Senate, Leahy plans to tack the moratorium legislation onto another bill on the floor, perhaps the defense authorization bill.

In the House, Rep. Lane Evans, D-Ill., a Marine grunt from 1969 to 1971, is pushing a similar measure but has not decided when to push for a vote. The hawkier House—which seems determined to give the military almost anything it wants—almost certainly will reject the amendment until the Joint Chiefs of Staff say they favor it.

This hasn't happened despite expert testimony that it would do the U.S. military more good than harm if land mines were banned. No less a soldier than Gen. Alfred Gray Jr., former Marine Corps commandant, has said:

''We kill more Americans with our mines than we do anybody else. We never killed many enemy with mines . . . What the hell is the use of sowing all this [airborne scatterable mines] if you're going to move through it next week or next month . . . I'm not aware of any operational advantage from broad deployment of mines.''

Leahy warns that ''vast areas of many countries have become deathtraps'' because 62 countries have sown between 80 million and 110 million land mines on their land. ''Every day 70 people are maimed or killed by land mines. Most of them are not combatants. They are civilians going about their daily lives.''

Yet mines are so cheap—costing as little as $2—that small armies all over the world are turning to them as the poor man's equalizer. American forces increasingly are being sent to these developing areas and would be safer if land mines were banned.

''The $2 or $3 anti-personnel mine hidden under a layer of sand or dust can blow the leg off the best-trained, best-equipped American soldier,'' Leahy notes.

At the United Nations last year, President Clinton called on the world to stop using land mines. He could weigh in heavily on the side of the one-year moratorium and push the chiefs in that direction. But don't count on it. He seems determined during his reelection drive not to offend the military and its conservative champions.

Belgium and Norway this year forbade the production, export or use of land mines. Leahy and Evans hope the upcoming debate will create a climate for a similar stand by the United States. Lest you conclude the land mine moratorium is being pushed by peacenik lawmakers, note that among the senators supporting it are decorated war veterans Daniel K. Inouye, D-Hawaii, J. Robert Kerrey, D-Neb., John F. Kerry, D-Mass., and Charles S. Robb, D-Va.

The case for the Leahy-Evans moratorium is overwhelming. Even so, Congress probably will lose its nerve and refuse to enact the moratorium this year. But I think I could tell that little girl in Hue, if she lived through her maiming, that reason is beginning to assert itself. Man is beginning to see the folly of fouling his own nest with mines. There is at least a dim light at the end of the tunnel.

[From the Washington Post, July 9, 1995]

KILLERS IN THE EARTH

(By Anne Goldfeld and Holly Myers)

Sen. Patrick Leahy of Vermont and Rep. Lane Evans of Illinois have just introduced a bill to establish a year-long moratorium on the use of land mines. This legislation is a critical step toward the goal of an eventual international ban on the production, stockpiling, trade and use of these weapons. Passage of this amendment is a humanitarian imperative as, day by day, the public health and environmental crises of land mines spin out of control.

At as little as $3 apiece, land mines have become the cheapest choice weapon in the civil war conflicts that plague our planet. In the former Yugoslavia alone, as many as 5 million land mines have been dug into the earth since the outbreak of fighting. In Rwanda, tens of thousands of mines newly laid in the last year will target the poorest in society—the children and women who must collect firewood or fetch water for survival. As elsewhere, women and children make up 30 percent of land mine victims, and because of their small size, children rarely survive a blast. Tragically, children too frequently perceive land mines to be brightly colored toys.

Land mines are an epidemic more deadly than the Ebola virus, killing or maiming at least 26,000 people a year, 90 percent of whom are noncombatant civilians. However, unlike Ebola, this scourge has spread to nearly every continent on the globe: 10 million land mines in Afghanistan (where the technique of scattering mines from the air was perfected), 10 million mines in Angola, 130,000 mines in Nicaragua, 4 million mines in Iraqi Kurdistan.

Mines were laid in the recent Peru-Ecuador border dispute, and new mines are being laid with a ferocity in current hot spots such as Chechnya and Bosnia. The cost of clearing a single mine ranges between $300 and $1,000 and requires a brave man or woman to work on hands and knees, meticulously removing one mine at a time.

In Cambodia, a country of 8 million people, there are an estimated 8 million land mines. Twenty percent of the land in the country's fertile northwest provinces is now not cultivable because of mines. Approximately one out of every 200 people is an amputee, the highest percentage in the world; in the United States the comparable ratio of amputees to the general population is one out of 22,000. At the current rate of clearance, Cambodia will not be free of mines for 300 years.

According to the U.S. State Department, there are an estimated 100 million land mines in the earth today and at least another 100 million stockpiled in arsenals. Like Ebola between outbreaks, they remain hidden and await their victims patiently for decades. With each passing day, they turn once-fertile fields into abandoned wastelands and destroy lives, limbs and futures.

There is no possible military objective or argument that can justify the human toll and the pollution of the earth exacted by the continued use of land mines.

Land mines, ''weapons of mass destruction in slow motion,'' have claimed more victims than nuclear, chemical and biological weapons together. The indiscriminate chemical and biological weapons systems are now banned, and land mines must also be banned. President Clinton, at the 50th anniversary of the United Nations, proposed that the elimination of land mines be a common goal of member nations. Let's put this theoretical position into action. Active support of the Leahy-Evans bill represents a crucial start.

[From the Boston Globe, May 23, 1995]

FIELDS THAT KEEP KILLING

Numbers can be cold abstractions. An account of five minutes in the life of one child at Auschwitz can convey the evil of the Nazi genocide more unforgettably than any quantitative summary of Hitler's mass murder. To understand a contemporary massacre of the innocents that continues day after day, one must feel the horror hidden in the figures on antipersonnel land mines.

One hundred million is the number of mines waiting to kill, maim or blind a child going to school, a farmer tilling the soil or a refugee returning home. Twenty-six thousand is the number of people who were killed or maimed in the past year by land mines. Seventy is the figure for those who are blown apart each day. Sixty-two is the number of countries where land mines, weapons of mass destruction that kill in slow motion, have

been sown in the soil. Three dollars is the cost for a land mine, the cheapest terror weapon of all.

The ethical imperative to eliminate land mines is clear. Mines do not discriminate between civilians and combatants. They go on murdering and mutilating innocent victims indefinitely. There are still areas of the Netherlands and Denmark that are off-limits because of unexploded mines from World War II. In countries such as Afghanistan, Cambodia, Angola or Iraq, the diffusion of mines has created permanent killing fields. And Russian planes are currently strewing mines in Chechnya.

To help end the commerce in land mines, Sen. Patrick Leahy of Vermont is planning to introduce a bill to ban U.S. use of antipersonnel land mines except ''in marked and guarded minefields along internationally recognized national borders.'' To discourage the proliferation of mines, the United States would end all transfers of military equipment to ''any country which the President determines sells, exports or transfers antipersonnel land mines.'' The bill would also authorize $20 million to clear and disarm existing land mines.

Leahy's bill is necessary because the Pentagon has prevailed on President Clinton to keep using mines that self-destruct after a few months or years. That would be a license to prolong mass murder. Leahy has proposed a wise and humane measure that deserves support.

[From New York Newsday, June 28, 1995]

NEWLYWEDS, KILLED IN BLAST

(By Michele Salcedo)

They were newlyweds, celebrating their nine-day-old marriage with a dream honeymoon at a Red Sea resort in Egypt.

But on Monday the lives of U.S. Army Maj. Brian Horvath, a cardiologist who grew up in Sayville, L.I., and his bride. Maj. Patricia Kopp-Horvath, ended together when the off-road vehicle in which they were touring the Sinai desert hit a landmine.

An Army spokesman at the Pentagon, Lt. Col. William Harkey, declined to confirm the Horvathe death until a positive identification could be made in six to 10 days.

But Capt. Dominick Yarrane, commander of the Suffolk County Police Community Response Unit, where Horvath's mother, Arlene, works as an aide, said an Army official from Fort Hamilton notified the Horvath family of the tragedy Monday evening.

The newlyweds had rented an off-road vehicle, and hired a driver and guide for a tour of the desert territory fought over by Israel and Egypt between 1948 and 1967.

Horvath and wife, their driver and guide had driven 30 miles north of the Red Sea resort of Shaphi al-Sheik, according to Michael Sternberg, the chief representative in Israel of the multinational force in the Sinai, where they struck the mine. The driver and guide survived the blast, but their condition was unclear.

A source at the U.S. Embassy in Cairo said that the area where the explosion occurred—just north of the Sinai's southern tip—was well-traveled and visited frequently by tourists. It was not in any way restricted, the source said.

The Egyptian Ministry of the Interior said the area had been mined during 40 years of recurring hostilities, but that efforts had been made to clear it of mines when Israel returned the area to Egypt. American officials in Egypt considered the incident an accident, the U.S. Embassy source said.

The Horvaths announced their engagement in April and were married June 17 in Stillwater, Minn., near Patricia Kopp's hometown. They were stationed at Landstuhi Regional Army Medical Center in Germany, where Brian Horvath practiced and Patricia Kopp-Harvath worked as a certified registered nurse-anesthetist.

[From the Statesman Journal, July 17, 1995]

CONGRESS MUST BAN MINE SALES

Judging by the way our lawmakers vote and our citizens act, Oregon is one of the most pro-peace states in the nation.

It will disappoint Oregonians, then, to learn that the United States is the leading arms exporter in the world, with 72.6 percent of the market. It's also disappointing that while a hundred million unexploded land mines spread around the world kill or maim 26,000 innocent people each year, only 57 percent of Americans want a moratorium on their export.

The U.S. Senate is expected to take up this summer both a moratorium on land mines and a ''Code of Conduct,'' pushed by Sen. Mark Hatfield, to restrict the sale of conventional arms to dictators and countries that fail to meet certain humanitarian criteria.

Of all the measures, elimination of land mines should be the easiest to obtain. The United States imposed a one-year moratorium in 1992 and has extended it every year, President Clinton wants to do the same this year and then move toward elimination—but with a catch. His administration wants countries to use self-destructing land mines as an interim step. Many see this as a self-serving promotion of American-made self-destruction mines.

Except for specific purposes and specific times—along borders in a war—antipersonnel mines have no honest military purpose. Nevertheless, they've been sown like wheat across the countryside in many countries. Innocent children and civilians become their victims.

Oregonians should be the first to urge Congress to vote the toughest sort of ban on land mines, including the self-destruct models.

Oregonians have supported Hatfield's ''Code of Conduct'' bill in the past and must maintain that support, in hopes that Congress eventually will get the message. His code may be the only way to stop this country from selling arms to nations that may eventually use them against us—Iraq and Somalia are good examples. Besides, we subsidize the sales with U.S. tax dollars and loan guarantees.

Wars fought with conventional weapons have claimed the lives of 40 million people since World War II. How do U.S. taxpayers feel about their contribution to this slaughter?

[From the Scranton Times, July 10, 1995]

LAND MINES PLAGUE WORLD

SPECTER SHOULD LEAD GOP SENATORS IN EFFORT TO PROTECT CIVILIANS

Senate Democrats are pressing a bill that would make the United States the leader in a global effort to sharply restrict the distribution and use of land mines.

According to the State Department, 26,000 civilians around the world are killed or maimed each year by land mines left over from wars. Official estimates of the number of such devices buried on innumerable former battlefields range as high as 100 million.

No Republicans have signed on as sponsors to the Senate bill, which would extend a moratorium on the use of U.S.-produced anti-personnel land mines, expect in certain marked areas where they help to protect borders.

Such a moratorium would give the U.S. the moral weight needed to lead to a global moratorium on anti-personnel mines, an international conference on which is scheduled to convene in September.

Civilian populations suffer during wars but should be relieved of such burdens when hostilities cease. The United States should be a leader in protecting, rather than contributing to the endangerment of civilians.

Sen. Arlen Specter is considered a swing vote on this issue. He should lead his GOP colleagues in helping to stop the carnage caused by land mines.

[From the Bangor Daily News, July 10, 1995]

LAND-MINE MORATORIUM

In 1992, Congress took an intelligent half-step of approving a one-year moratorium on the export of land mines, and subsequently passed an extension. It now has the opportunity to expand the moratorium, saving thousands of lives in the process.

Sen. Patrick Leahy of Vermont has proposed a further measure that calls on the president to support international negotiations to eliminate anti-personnel land mines, imposes a one-year moratorium on the use of U.S. land mines except in certain marked areas along international borders and encourages other countries to adopt the moratorium. Passage of the bill could have far-ranging implications. After the '92 moratorium was passed, two dozen other countries enacted similar measures.

By rough count, there are 1 million land mines currently sown into the earth, awaiting either the costly process of removal (Kuwait has spent $800 million doing this since the end of the Gulf War) or the costlier detonation by an unwilling passerby. Land mines do not know when a war has ended or whether a victim is a soldier or civilian. Their placement in fields once used for planting has the doubly vicious result of causing widespread injury among civilians while discouraging other refugees from returning to their farm lands.

Land mines are designed to maim instead of kill. They cause disabling injuries, inflict pain and terror among those unfortunate enough in the minelaced regions of Cambodia, Afghanistan, Angola, and a dozen other places. Approximately 26,000 people are killed or injured by land mines each year. Once used as a defensive weapon, militaries have found these cheap devices ideal for offensive purposes, as well. Their drain on scarce medical resources means that others suffering from disease or malnutrition will die from want of treatment.

President Bill Clinton has endorsed the idea of eventual elimination of antipersonnel land mines, but unfortunately also wants to allow a U.S. firm to export a higher-tech version of the weapon, known as a self-destructing land mine. In theory, these land mines either blow up or become inactive after a given time. But allowing one type of land mine opens a loophole for several types, and makes enforcement of a ban on the rest nearly impossible.

As the world's largest arms exporter, the United States has the special problem of facing potentially hostile countries supplied with U.S.-produced weapons. The land-mine moratorium is an important step toward reducing that eventuality and increasing world safety. Maine's senators should support the Leahy bill.

[From the Patriot-News, July 19, 1995]

EASE THE THREAT FROM LAND MINES

The numbers are staggering, so enormous that no one can say with precision just how many unexploded land mines litter the planet.

In a speech to the United Nations last September, President Clinton cited the figure 85

million. More recently, the State Department has put the number at 100 million, or one for every 50 people in the world.

What is known is that on average about 500 people are killed or maimed each week—26,000 every year—by land mines. Huge swaths of ground have been rendered uninhabitable by the sowing of mine fields, from Kuwait to Angola. One of every 236 people in Cambodia is an amputee as a result of mine blasts. Around the world, wherever land mines lie in wait for the unsuspecting or careless, prominent among their victims are children.

But there is an effort under way to do something about this madness. A one-year moratorium on the sale, export and transfer of land Mines was adopted by the United States in 1992, followed the next year by unanimous Senate passage of a three-year extension. The moratorium effort has since been joined by 25 other countries.

Late next week, the Senate is expected to vote on The 1995 Land Mine Use Moratorium Act, which:

Urges the president to pursue an international agreement for the eventual elimination of anti-personnel land mines.

Imposes a one-year moratorium on U.S. use of land mines, except in certain marked areas along international borders.

Encourages additional countries to join the moratorium.

The legislation is sponsored by Sen. Patrick Leahy, D-Vt., with 44 co-sponsors representing both parties. Absent from the sponsors list for this wise legislation, which has the active support of the U.S. Conference of Catholic Bishops and more than 200 other human rights organizations are the names of Pennsylvania's senators, Arlen Specter and Rick Santorum.

We urge our two Republican senators to join the effort to end this indiscriminate means of warfare, just as the nations of the world have previously agreed to end the use of biological and chemical weapons. America's leadership and example is no less essential to making this a safer and more peaceful world than it was in winning the Cold War.

[From the Rutland Daily Herald, July 6, 1995]

BAN LAND MINES

The world is slowly waking to the indiscriminate carnage that results from the use of a cheap, easily dispersed and deadly weapon—the land mine.

The question is whether the United States will exercise the leadership required to move the international community toward a total ban of a weapon that kills and maims 26,000 people a year.

There are about 100 million land mines already in place on killing fields around the globe. They create terror on the cheap. They cost between $3 and $20 to make, and 80 percent of those killed are children. Long after the battlefields are quiet in Cambodia, Angola, Lebanon and Vietnam, the killing goes on.

Land mines are the weapons of cowards. The Soviet Union spread them by the millions in Afghanistan; some were specifically designed to entice children into picking them up. Now Russia is spreading them in Chechnya.

Sen. Patrick Leahy has played a leading role in prodding the Clinton administration and the international community to bring this hideous technology under control. Legislation introduced by Leahy two years ago led to a moratorium by the United States on the manufacture and sale of land mines and prompted 25 other nations to follow suit. Leahy also introduced a resolution before the U.N. General Assembly on behalf of the United States calling for the ''eventual elimination'' of land mines.

Now the Clinton administration is backtracking.

Leahy has introduced a bill that would prohibit the United States from using land mines, except in certain specifically designated border areas, and to impose sanctions on nations who use them. He hopes the United States will lead by example, as it did on the manufacturing moratorium, so other nations also disavow use of land mines.

The U.S. military, however, is wary of establishing a precedent. Even though land mines are primarily an instrument of terror aimed at innocent civilians, the Army does not like to have its options limited. Certainly, land mines are not the most important weapon in the U.S. arsenal, but the military does not want Congress to get in the habit of indulging its humanitarian impulses by limiting the weapons the Army can use.

Thus, Clinton has found a way to equivocate.

Though the United States introduced the U.N. resolution favoring the elimination of land mines, Clinton now favors the export and use of self-destructing land mines that would detonate by themselves over time.

Here Clinton indulges in fantasy. Does he really believe the dozens of nations with tens of millions of land mines in their possession will decide they would rather buy more expensive self-destructing mines and use them instead? In this way, Clinton undermines the international effort to eliminate the use of this weapon.

Just four years ago there were only two organizations raising the alarm about land mines. One was the Vietnam Veterans of America Foundation whose land mine campaign is led by Jody Williams of Brattleboro. She had seen what land mines do in Nicaragua and El Salvador.

Now there are 350 organizations in 20 countries pushing to eliminate the use of land mines. Pope John Paul II, former President Jimmy Carter, Nobel laureate Desmond Tutu of South Africa, and U.N. Secretary General Boutros Boutros-Ghali all support a ban. And yet Clinton backs away.

Leahy's bill would put the U.S. once again at the vanguard of the effort to eliminate what Leahy has called ''weapons of mass destruction in slow motion.''

Leahy's bill has 44 co-sponsors, including Sen. James Jeffords, but he has still not been assured the bill will come to a vote. It ought to come to a vote, and despite Clinton's equivocation, Congress ought to send the message that the United States will lead the way in containing the violence war causes among the world's innocent bystanders.

Mr. LEAHY. Mr. President, in my ongoing effort to see a worldwide ban on the use of antipersonnel landmines, it is interesting to note that since starting this effort 25 countries have taken at least the initial step by halting all or most of their exports of antipersonnel mines. That was due in large part to the action we took here 2 years ago, by passing my amendment to stop U.S. exports of these weapons. Our action captured the attention of the world, and that is why it is important that we continue to show leadership to bring an end to the landmine scourge.

I remind my colleagues that today in over 60 countries there are 100 million antipersonnel landmines that wait silently to explode. These are 100 million not in warehouses but concealed in the ground. In many countries they are clearing the landmines an arm and a leg and a life at a time.

Today when wars end, soldiers leave and tanks and artillery and guns are withdrawn, in so many countries the killing continues, sometimes for months, sometimes long past when people can remember what caused the fighting in the first place. It continues because of the landmines left behind.

We are about to make a major decision in Bosnia. The distinguished Senator from Kansas and I spent most of an afternoon with the President of the United States, with the Secretary of State, Secretary of Defense, our Ambassador to the United Nations, and General Shalikashvili discussing what alternatives are available to us.

It was a very good discussion, I think a very important discussion. I commend the President for having it. I could not help think throughout no matter who is in Bosnia, whether us, for whatever reason, our allies, whether now or when the fighting stops, they are going to find a very, very grim surprise; that is, hundreds of thousands, perhaps over a million landmines that are now in the former Yugoslavia, and they will keep on killing long after this dreadful fighting stops.

THE INTERNET

Mr. LEAHY. Mr. President, there has been a lot said about Internet, and about proposals to regulate indecent or obscene content in the Internet. There has been a lot of articles about so-called cyberporn and things of that nature.

I have had some interest in the way the legislation is proceeding. I believe I was probably the first Senator to actively hold town meetings on the Internet. I have it in my own home, as many do now, and use it continuously, when I am here in my office in Washington, in my office in Vermont, in my home in Vermont, and in the residence here.

REPORT OF INTERACTIVE WORKING GROUP ON PARENTAL EMPOWERMENT, CHILD PROTECTION AND FREE SPEECH IN INTERACTIVE MEDIA

In light of concerns and legislative proposals to regulate indecent and obscene content on the Internet, I have asked the Attorney General of the United States as well as a coalition of private and public interest groups known as the Interactive Working Group to look at this issue and provide recommendations on addressing the problem of children's access to objectionable online material, but to do so in a constitutional and effective manner.

I have not yet heard back from the Attorney General and look forward to receiving the report of the Department of Justice as promptly as their study can be concluded.

I come to the Senate today to speak about the report from the Interactive Working Group that will be released Monday. This group includes online service providers, content providers,

and public interest organizations dedicated to the interactive communications media. I would recommend the report to my colleagues.

In its report, the Interactive Working Group describes some of the technology available, not in the future but today, to help parents supervise their children's activities on the Internet and protect them from objectionable online material. In fact, available blocking technology can make pornographic Usenet news groups or World Wide Web sites off limits to children.

I mention this because we seem to be carried away with the idea that somehow we will set up a Federal standard that will treat everybody exactly the same, whether adult or child, in setting up gateways on the Internet—without accepting the fact that maybe parents have a certain responsibility to raise their children. The responsibility parents have is greater than the Senate or the House of Representatives has, and as a parent, I would readily take on that responsibility rather than to have the Congress tell me what to do.

There are other commercially available products that limit children's access to chat rooms, where they might be solicited. They limit children's ability to receive pornographic pictures through electronic mail.

Other products allow parents to monitor their children's usage of the Internet. You can find out exactly where they have been and what they might have been reading. This is significantly different from other settings where parents may have no idea what magazines or books their children read—but you can find out on the Internet.

Yet some would close down the Internet to prevent the possibility of an infraction. What I am saying is that parents ought to take some responsibility themselves.

Software entrepreneurs and the vibrant forces of the free market are providing tools that can empower parents' to restrict their children's access to offensive material. Parents can restrict access to whatever they considered objectionable: whether it is beer advertising, or fantastic card games that some parents believe promotes interest in the occult. Interested organizations, like the Christian Coalition or Mothers Against Drunk Driving, could provide parents that use blocking technology with lists of sites these groups consider inappropriate for children.

This is not a case where we in Congress, playing big brother or big sister, need to determine what parents should tell their children to watch or read.

If you set up Government regulations, the kind of heavy-handed regulations that we seem intent upon passing, then you will stifle this new industry. If you have overly restrictive bans on the Internet, they will prove not only unconstitutional, but they are going to hamper the growth of this new communications medium, one that has grown faster than anything else I have seen in my lifetime. The Internet has been growing at an exponential rate and new uses for it are devised daily.

Anyone with a computer and a modem can send something out on the Internet, but unlike a broadcaster, potential listeners must seek out this information and download it. This indecency that we worry about does not come easily into a home. You have to go out and look for it.

We are at the dawn of a new era in communication. Interactive communications—ranging from online computer services, CD–ROM's, and home shopping networks—are growing at an astonishing rate, bringing great opportunities for business, culture, and education. Of all these new interactive communications, the Internet has become the new location for our Nation's discourse.

The Internet does not function like a broadcast or a newspaper where a station manager or editor chooses which images or stories to send out in public. The Internet is like a combination of a great library and town square, where people can make available vast amounts of information or take part in free and open discussions on any topic. It has provided great opportunities for our disabled citizens and has enabled our children the ability to discuss issues with some of society's greatest minds. With this technology, I conduct electronic town meetings with Vermonters, post information about legislative activities, and hear back from Vermonters about what they think.

Unfortunately, like any free and open society, the Internet and online computer services have attracted their share of criminals. I recently introduced with Senators KYL and GRASSLEY the National Information Infrastructure Protection Act to increase protection for our Nation's important computer systems and confidential information from damage or prying by malicious insiders and computer hackers.

In addition, the Internet is not immune from pornographers. Pornography exists in every communications media, including films, books, magazines, and dial-a-porn telephone services. The press has recently hyped the discovery that online pornography exists on the Internet. But we should be careful not to overstate the extent of the problem.

In our universal condemnation of pornography and desire to protect our children from exposure to online pornography, we should not rush in with well-meaning but misguided legislation. Any response we choose must be tempered by first amendment concerns. Heavy-handed attempts to protect children could unduly chill speech on the Internet and infringe upon the first amendment.

What are we doing as a legislative body if we discourage the project Gutenberg from placing online the works of Charles Dickens, Geoffrey Chaucer, or D.H. Lawrence for fear of prosecution because someone, somewhere on the Internet, might find the works indecent? Would the Internet still be the great electronic library and the setting for open discussion it now promises? These questions and issues will be the subject of an important Judiciary Committee hearing Monday afternoon.

Any legislative approach must take into consideration online users' privacy and free speech interests. If we grant too much power to online providers to screen for indecent material, public discourse and online content in cyberspace will be controlled by the providers and not the users of this fantastic resource. At the same time, we should carefully consider the Interactive Working Group's recommendation that online providers be encouraged to implement reasonable forms of filtering technology. Our laws should encourage and not discourage online providers from creating a safe environment for children.

Even worse than discouraging online providers from implementing blocking technologies, is discouraging them from allowing children onto their services altogether. If online providers are liable for any exposure of indecent material to children, people under the age of 18 will be shut out of this technology or relegated by the Government to sanitized kids-only services that contain only a tiny fraction of the entire Internet. That would be the equivalent of limiting today's students to the childhood section of the library or locking them out completely. This is not how this country should face the increasingly competitive global marketplace of the 21st century.

I do not want somebody to tell me what I can say if I am talking to my neighbor on the Internet, or if I am sending messages back and forth to friends. Frankly, Mr. President, sometimes my friends and I will disagree pretty loudly on the Internet and we will be very frank in our discussion of other's ideas and what not. At what point do we have somebody come on and say you cannot talk like that to each other, someone I have known for 30 years?

With our children, I again say that there are times when the responsibility should be that of parents. Parents know their children better than any Government official, and are in the best position to know the sort of online material to which their children may be exposed.

Finally, the Interactive Working Group's report shows how we can use existing Federal laws to stop online stalkers and child pornographers. Our criminal laws already prohibit the sale or distribution over computer networks of obscene material (18 U.S.C. Secs. 1465, 1466, 2252 and 2423(a)). We already impose criminal liability for transmitting any threatening message over computer networks (18 U.S.C. Sec. 875(c)). We already proscribe the solicitation of minors over computers for any sexual activity (18 U.S.C. Sec.

2452), and illegal luring of minors into sexual activity through computer conversations (18 U.S.C. Sec. 2423(b)). We need to make sure our law enforcement has the training and resources to track down computer criminals, and not create new laws which restrict free speech and are repetitive of existing crimes.

This paper is important because it shows how we can address the problem of online pornography by empowering parents, and not the Government, to screen children's computer activities. This is the best way to police the Internet without unduly restricting free speech or squelching the growth of this fantastic new communications medium.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Seth Kilbourn, a congressional fellow, be granted privilege of the floor during the debate of the Ryan White CARE Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the consideration of S. 641.

Mr. HELMS. That is the so-called Ryan White bill.

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Mr. President, I shall not speak long, because there is not much time allocated this afternoon to this measure. I am sure that the distinguished majority leader was looking for something to take up for 2 or 3 hours, and I am not going to keep you here very long on this Friday afternoon.

However, I have been listening in my office to the comments of Senators who advocate this legislation. I respect them, but I disagree with them. At a later time, I will go into some detail to explain to all Senators what they will be voting for; indeed, some 62 or 63 Senators are identified as cosponsors of this so-called Ryan White bill. I have talked with 2 or 3 Senators at lunch, and at other times, about the details of the bill. They do not have the foggiest notion what the bill is all about. It just sounds good to be for the Ryan White bill.

Let the RECORD show that I am sorry for people who have AIDS. However, I am not unmindful of how the majority of people get AIDS. I said so in an interview with a woman reporter for the New York Times who called me several weeks ago.

What she really called me about, Mr. President, was clear at the time; she repeatedly brought up Senator DOLE, the majority leader of the U.S. Senate and candidate for President. She was going to write one of those speculative stories, you see, suggesting that Senator DOLE was holding up the so-called Ryan White bill.

The fact is, nobody was holding up the Ryan White bill. Nobody is holding it up right now. I emphasized that, yes, I did put a ''notify'' hold in the Cloakroom on the Ryan White bill, meaning that I wanted to be notified when the bill was called up so that I could offer amendments to give Senators—including the 60-odd Senators who are cosponsors of the bill, without knowing what they are cosponsoring—give them a chance to vote on a number of questions which are of interest to the vast majority of the American people.

Since the distorted story was published about 80 percent of the thousands of calls and letters I received from around the country have been favorable.

I told the lady from the New York Times that her speculation was preposterous, that BOB DOLE was not holding up the Ryan White bill, that JESSE HELMS was not holding up the Ryan White bill, that, in fact, nobody was holding it up.

I asked, ''When has Senator DOLE, the majority leader, had a time to call up this bill?'' And, by the way, I said, the existing bill does not expire until September 30, so what is the big rush?

No, it is the homosexual lobby in this country. My hometown paper engaged in an editorial about the weak forces of the homosexual lobby. Well, Mr. President, the homosexual lobby is one of the most potent lobbying outfits in the country.

They talk about little Ryan White—an attractive little boy, an innocent little boy. He died of AIDS, and now his name is being exploited, as if the homosexuals had nothing to do with the tainted blood that killed Ryan White. Where does the New York Times think that the tainted blood came from in the beginning? That is what Senators need to consider before they rush pell-mell into voting for this bill.

There will be at least five or six amendments to consider and to vote on before the Senate gets to final passage on this amendment.

What the homosexual lobbyists in this country are demanding are special advantages over everybody else. The Clinton administration is making a mockery of fair play in kowtowing to the homosexual demands at every turn, which prompts me to wonder, for example, how many Senators—or how many people in the news media, for that matter—know about the seminars being conducted these days throughout the Federal Government bureaucracy, seminars that are mandatory. Federal employees are penalized if they do not attend them. What are these seminars all about? They are designed to ''teach'' Federal employees that homosexuality is just another lifestyle.

I have not seen a word about it in the New York Times or the Washington Post, nor have I seen it on CBS, ABC, CNN, or any of the rest of them. You see, it's not politically correct to talk about this.

Federal employees do not have a choice about whether to attend these seminars. They go to them—or else. We had one case last year—and I had to intervene—where a dedicated Federal official stationed in Atlanta was booted out of his job because he made a statement saying that we ought to look for the higher things in life instead of concentrating on homosexuality, and teaching the false doctrine that homosexuality is just another lifestyle.

This homosexual lobby has gone to incredible extremes to exploit Ryan White's name to acquire an unjustified amount of Federal funding for AIDS.

By the way, Mr. President, there has never been another disease for which there has been a special Federal fund for one specifying money not devoted to AIDS research. This money is distributed with substantial amounts going to homosexual organizations such as the Gay Men's Health Crisis in New York, and the Whitman Walker Clinic, right here in Washington, DC.

But just try, Mr. President, to obtain some information out of the Department of Health and Human Services. They stonewall. They do not want anybody to get the facts on how this AIDS money is distributed.

But, later on, the Senate is going into all of this, and in great detail when consideration of this bill begins. There will be no home-free basis. We are going to lay it out for everybody to see.

And if Senators then want to vote for it, fine.

That is all I am going to say today, Mr. President. But I want it to be made a matter of record that this is not a bill that the American people know anything about, nor is it one that many Senators know about. If the Lord gives me strength, the Senators at least will know about it before this reauthorization of the so-called Ryan White is approved by the Senate.

I thank the Chair and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEARING ON THE GOOD OLD BOYS ROUNDUP

Mr. LEAHY. Mr. President, as an American citizen, public official, and former prosecutor, I am appalled at the news accounts I have seen of State, local, and Federal law enforcement officers getting together to wallow in racism. There is no room for racism in law enforcement. Law enforcement officers, in particular, have to be held to the highest standards of conduct. People have to know that they will be treated fairly by those who act on behalf of the Government and wield its power.

As we proceed with the Judiciary Committee hearing, I expect that we will hear a chorus of condemnation. I expect that we will hear each agency join in that refrain, explain that it is investigating the situation and that it will be taking appropriate action based on the facts. We should all act based on the facts. I look forward to the prompt completion of ongoing investigations and to our following up, when the facts are known.

It is tragic that racism is still a fact of life. It is most disconcerting if racism taints law enforcement actions. That is wholly unacceptable. I note that the reports of the activities at the recent Good Old Boys Roundup in Tennessee do not go that far, however—I have yet to hear any allegation that the official duties of the State, local, and Federal law enforcement agents who chose to attend the gathering were affected. That should be our first concern.

Next, we should be concerned whether Federal law enforcement resources were devoted to organizing or supporting these gatherings. The American people need to know that their tax dollars are not being diverted to such activities.

Further, we have to be concerned that our culture, and the culture in which these various law enforcement officers live and work, still abide these gatherings and displays.

As we consider whether additional steps, policies, regulations, or laws are needed to root out the evils of racism, we must be mindful that we not create political litmus tests or become thought police. We need to be sensitive to the limits of law and preserve some place for private lives and private thoughts.

We must also be careful to avoid being exploited by those with ulterior motives who oppose valid law enforcement. Our actions and those of the executive branch must be based on facts, not third-had news accounts.

Finally, we must not allow this shameful incident to taint the vast majority of fine and dedicated men and women who risk so much to protect us and the rule of law every day.

COMPREHENSIVE REGULATORY REFORM

Mr. ROTH. Mr. President, why did S. 343 fail last night? As Casey Stengel would say, we did not have enough votes. And we did not have the votes we needed because no matter what changes were made to S. 343, it continued to be mischaracterized. From the beginning of its journey through the Judiciary Committee, S. 343 was demonized. Likewise, the bill reported from the Governmental Affairs Committee, S. 291, was beatified.

Scores of improvements were made to S. 343 since it was reported by the Judiciary Committee. None of the few who understands the legislation would disagree. Moreover, yesterday proponents agreed to make significant additional changes requested by the bill's critics. But just as it went throughout the long floor debate, the opponents would not accept some improvements unless we agreed to all of their demands. Yes, opponents blocked our attempts to improve the bill because they preferred to preserve talking points against the bill. This is masterful politics, but this is also what disgusts the American people about Congress.

In addition, it appears that proponents managed to create the impression that negotiations were ongoing that promised fruitful results. If such negotiations took place, like Senator JOHNSTON, I can say that I was completely unaware.

In contrast to S. 343, S. 291 and its successors have led charmed lives. The Glenn substitute, which the Senate rejected, was offered as the text that was unanimously reported by the Governmental Affairs Committee. But such a claim is highly misleading. Let me tell you why.

This legislation is rather complicated. The competing versions are each over 75 pages in length. Yet the real heart of reform can be crystallized in a few concepts and in language that takes just a few pages. In fact, judicial review—perhaps the most significant and most controversial part of these bills—is provided in just one sentence. Yes, just one sentence.

Suppose that sentence were stricken. Could you say that the bill was just about the same? The length of the bill would not be changed; over 99 percent of the words would be the same. But the impact of the legislation would be entirely different. This exemplifies what happened to S. 291 as it was transformed into the Glenn substitute.

There are, as I said, just a few concepts one needs to grasp to understand regulatory reform.

First. The agency should undertake a cost-benefit analysis.

Second. The agency should apply the cost-benefit analysis.

Third. If the agency does not comply with the first or second item, there is judicial review.

Fourth. The agency must review existing rules under the above procedures.

Fifth. There must be some way to ensure the agency reviews existing rules.

Proponents and opponents appear to agree only on the first item, that agencies should perform cost-benefit analyses. That is because that is the status quo. That is what Executive Order 12866 requires today.

But the Glenn substitute did not require that an agency actually use the cost-benefit test. While the Glenn substitute used language similar to S. 291 to require that a cost-benefit analysis be performed for major rules, the Glenn substitute has no enforcement provision to make clear that the cost-benefit analysis should matter—that it should affect the rule. The Glenn substitute excoriated the sentence on judicial review in S. 291 that made clear that the court was to focus on the cost-benefit analysis in determining whether the rule was arbitrary and capricious. That provision in S. 291 was taken from a 1982 regulatory reform bill, S. 1080, which was approved by a 94–0 vote in the Senate before it died in the House. In contrast, the Glenn substitute only required that the cost-benefit analysis be inserted in the RECORD with thousands of other documents and comments. This is essentially what happens under the current Executive order.

The Glenn substitute had another fatal defect—it did not provide for an effective review of existing rules. Effective regulatory reform cannot be prospective only; it must look back to reform old rules already on the books. Since 1981, repeated presidential attempts to require the review of rules by Executive order have only met with repeated failures.

But the Glenn substitute does not cure the problem. Like the Executive orders, the Glenn substitute makes the review of rules an essentially voluntary undertaking. There are no firm requirements for action—no set rules to be reviewed, no binding standards, no meaningful deadlines. The Glenn substitute merely asks each agency to issue every 5 years a schedule of rules that, ''in the sole discretion'' of the agency, merit review.

The Glenn substitute seriously weakened the lookback provision in S. 291. While not perfect, S. 291 did have firm requirements. S. 291 prescribed the category of rules that the agencies were to review. If the agency failed to review any of those rules, they terminated automatically. The Glenn substitute had no such firm requirements.

What a review of these elements shows is clear: the Glenn substitute was an elaborate re-write of the status quo. Reform—without change. For those few who understand what was

happening on the Senate floor, it could not be clearer.

The real losers last night were the American people. We, on the Senate floor, know that the discretion of regulators needs to be curtailed. We know that reform can be achieved in a way that fosters our health, safety, and environmental goals. S. 343 is, in fact, such a bill. But unfortunately, that was not quite clear enough last night.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, July 20, the Federal debt stood at $4,935,796,845,291.29. On a per capita basis, every man, woman, and child in America owes $18,736.37 as his or her share of that debt. Well before the end of the year, the Federal debt will pass the $5 trillion mark.

REGULATORY REFORM

Mr. GLENN. Mr. President, throughout the continuing debate on regulatory reform a number of things have become very clear:

First, the vast majority of Members of the Senate want regulatory reform—the speeches, the floor debates, the combined totals of the votes for reform of one kind or another show that Democrats and Republicans alike want regulatory reform.

Second, despite bipartisan refusal to accept the majority leader's bill, there is bipartisan support for tough regulatory reform legislation as shown by the 48-to 52-vote to substitute the Glenn-Chafee bill—a bill based on the bipartisan work of the Governmental Affairs Committee—for the Dole-Johnston bill.

Third, despite the majority leader's disappointment in his failure to gain acceptance for his proposal, there continues to be wide support for continuing to negotiate cooperatively to come up with a workable reform bill. We have made good faith efforts throughout this debate: we have come to the table on three different occasions with the proponents of the Dole-Johnston substitute; we have written lists of issues and have provided legislative language to address our concerns. The latest round of these efforts to provide our responses to some of their proposals was yesterday—just an hour before the third cloture vote. These lists were not new inventions of new problems, but a consistent, continuing set of concerns. Our list of concerns has narrowed as negotiations have progressed. We have not, as some Members have alleged, invented new problems merely to delay or confuse the debate.

Fourth and finally, in the heat of this debate, in what seems to be a part of the desperation of a few to make the best of a bad situation, some unfortunate and misleading statements have been made about our bill. I am very disappointed, and in fact surprised, by the statements of Senator ROTH. We worked together in the Governmental Affairs Committee to make his regulatory reform bill, S. 291, into a strong bipartisan bill that could be and indeed was supported by every member of the Committee—8 Republicans and 7 Democrats. Just when the Wall Street Journal was unfairly and inaccurately characterizing the Roth bill as ''a do-nothing bill'' as it did on April 27, 1995, Senator ROTH and I were working together and agreeing that we had a tough but fair bill that could gain the support of the Committee and should be the bill that could and should pass the full Senate.

Last week he made charges against the Glenn-Chafee bill with regard to risk assessment provisions, saying that we took the National Academy of Sciences ''minority views'' by preferring ''default assumptions to relevant data.'' As I pointed out on the floor, that was not correct. Our bill says to use default assumptions when relevant data are lacking. And our bill requires agencies to put out guidelines in refining default assumptions and replacing those assumptions with real data. Clearly, our bill does not give a preference to assumptions over data.

Yesterday, and this is the reason I return to the floor today to set the record straight, he said the Glenn-Chafee bill is ''toothless''—yes, just the word the Wall Street Journal used to attack him a few months ago, that it is completely different from the Roth-Glenn bill that came out of the Governmental Affairs Committee, and that it has a completely different thrust.

It is also ironic that my colleague from Delaware now so clearly defends the S. 291 review process, stating on July 17 on the floor, ''Although the original Glenn bill was similar to the Roth bill, the current Glenn substitute seriously differs from the Roth bill * * * Senator Glenn has seriously weakened the review of rules * * * The revised Glenn substitute lacks any firm requirement about the number of rules to be reviewed.'' However, in his ''Dear Colleague'' letter on July 11 he states, ''S. 291—and S. 1001—has substantial administrative difficulties. They require every major rule to be reviewed in a 10-year period, with a possible 5-year extension, or be subject to termination. * * * It would be very burdensome to review all existing major rules—unduly burdensome when nobody is complaining about many of them.'' He calls us weak for not sticking to the Roth bill, and then calls the Roth bill ''unduly burdensome.''

I can understand loyalty, but I am surprised at the degree to which my colleague has turned away from his earlier, commendable reform efforts. He has now put himself in the strange position of attacking many of the same provisions he so enthusiastically supported just a few short months ago.

Yesterday, I insisted that the Glenn-Chafee bill is based on the Roth-Glenn bill, S. 291, and that the Glenn-Chafee bill is largely identical with S. 291. In fact, the Glenn-Chafee bill differs from S. 291 in only three major ways to match S. 1001 and a few lesser ways in order to match amendments to the Dole-Johnston bill. Senator Roth, on the other hand, said ''what we voted for in Committee was entirely different from what we voted for on the floor in the Glenn substitute.'' For the record, I would like to provide a comparison of the two bills, and as the RECORD will show, most of the sections are identical. To reiterate, we made three changes, and we made additional changes to match amendments to the Dole-Johnston bill.

First, the Glenn-Chafee substitute, which was voted for by 48 Senators, is a slight modification of S. 1001, which I introduced with Senator Chafee. S. 1001 differs from S. 291 on only three major points:

It does not sunset rules that fail to be reviewed. Rather it establishes an action-enforcing mechanism that uses the rulemaking process.

It does not include any narrative definitions for ''major'' rule—such as ''adverse effects on wages''.

It incorporates technical changes to risk assessment to track more closely the approach of the National Academy of Sciences and to cover specific programs and agencies, not just agencies.

Second, in the weeks since introduction of S. 1001, negotiations and debate have resulted in common agreement on improvements, both to the Dole-Johnston and the Glenn-Chafee proposals. Accordingly, the final version of Glenn-Chafee, which again was supported by a bipartisan vote of 48 Senators, contains some additional changes. Most of these are also found in the Dole-Johnston bill, which Senator Roth now supports. So I find it difficult to understand how the Senator from Delaware can criticize these changes.

Mr. President, I ask unanimous consent that a comparison of the two bills be printed in the RECORD.

There being no objection, the comparison was ordered to be printed in the RECORD; as follows:

SECTION BY SECTION COMPARISON OF GLENN-CHAFEE AND ROTH-GLENN

Section 1. Title.

Section 2. Definitions—identical.

Section 3(a). Analysis of Agency Rules.

Subchapter II. Cost-Benefit Analysis.

Section 621. Definitions—identical but for changes made in Dole/Johnston.

Section 622. Rulemaking cost-benefit analysis—identical except for changes made in the Dole/Johnston bill; the time limit for determining a major rule after publication of a proposed rule; and the effective date for initial and final cost-benefit analysis (does not cover rules in the pipeline).

Sec. 623. Judicial Review—identical but for clarification in 623(e).

Sec. 624. Deadlines for Rulemaking—identical.

Sec. 625. Agency Regulatory Review. As already noted, S. 1001 modified the S. 291 review process so as to not sunset rules that fail to be reviewed. Rather it establishes an action-enforcing mechanism that uses the rulemaking process. Also struck provision

that allows the President to select rules for review and to track changes made in the Dole/Johnston bill.

Sec. 626. Public Participation and Accountability—identical.

Sec. 627. Conflict of Interest Relating to Cost-Benefit Analyses and Risk Assessments. Added the Pryor-Feingold floor amendment also accepted as an amendment to the Dole-Johnston bill.

Subchapter III. Risk Assessment

Sec. 631. Risk Assessment Definitions—same as the Dole-Johnston bill, except modification of ''screening analysis.''

Sec. 632. Risk Assessment Applicability. Changed applicability of risk assessment requirements from all agencies to agencies concerned with environment, health, or safety.

Sec. 633. Risk Assessment Savings Provision—struck (2).

Sec. 634. Principles for Risk Assessments. Incorporates technical changes to risk assessment, reducing prescriptive language. Also combined ''principles for risk assessments'' (Roth section 635) and ''principles for risk characterizations'' (Roth section 636).

Sec. 635. Peer Review—Identical except for changes made in the Dole-Johnston bill.

Sec. 636. Risk Assessment Guidelines, Plan for Assessing New Information, and Report—identical.

Sec. 637. Research and Training in Risk Assessment—identical.

Sec. 638. Risk Assessment Interagency Coordination—identical.

Sec. 639. Plan for Review of Risk Assessments—identical.

Sec. 640. Risk Assessment Judicial Review—identical.

Sec. 640a. Risk Assessment Deadlines for Rulemaking—identical.

Subchapter IV. Executive Oversight.

Sec. 641. Executive Oversight Definition—identical.

Sec. 642. Executive Oversight Procedures—identical.

Sec. 643. Promulgation and Adoption of Executive Oversight Procedures—identical.

Sec. 644. Delegation of Authority for Executive Oversight—identical.

Sec. 645. Public Disclosure of Information with Regard to Executive Oversight—identical.

Sec. 646. Judicial Review of Executive Oversight—identical.

Sec. 3(b) Regulatory Flexibility—identical.

Sec. 611. Judicial Review of Regulatory Flexibility Act Decisions—identical.

Sec. 3(c) Presidential Authority—identical.

Sec. 4. Congressional Review.

Sec. 801. Congressional Review of Agency Rulemaking—identical.

Sec. 5. Studies and Reports—identical.

Sec. 6. Risk-Based Priorities—Identical but for agreed upon changes made on the floor with Senator Roth and others to the Dole-Johnston bill.

Sec. 7. Regulatory Accounting—identical.

Sec. 8. Effective Date—Added at the end ''and shall apply to any agency rule for which a general notice of proposed rulemaking is published on or after such date.''

THE THAI-CAMBODIAN TIMBER TRADE

Mr. THOMAS. Mr. President, this last Monday I chaired a hearing of the full Foreign Relations Committee to consider ambassadorial nominations for four countries within the jurisdiction of my Subcommittee on East Asian and Pacific Affairs: Cambodia, Indonesia, Malaysia, and Thailand. I was impressed by all of them, and am sure they—as well as the Ambassador-designate to APEC—will be confirmed by the full Senate soon. In speaking privately with all the nominees, however, there was one issue I brought up with both the Ambassador-designate to Thailand and the Ambassador-designate to Cambodia that they were unable to address to my satisfaction and which I believe should be brought to the attention of my colleagues: the links between the Thai military and the Khmer Rouge and their involvement in the illegal timber trade across the Thai-Cambodia border.

Cambodia shares a lengthy and relatively uninhabited border with Thailand. The entire region is heavily forested; formerly, 76 percent of Cambodia's 176,520 square kilometers of land area was covered by forest. That amount, however, has declined dramatically over the last 15 years due to the increased commercial harvesting of timber. According to some sources, tree cover has been reduced by almost half since 1989. The loss has been especially dramatic in western Cambodia, where a handful of foreign firms are responsible for a majority of the deforestation.

These companies purchase concessions from the Cambodian Government, and theoretically make payments to the government based on the amount of cubic meters of timber felled. The timber is then exported over the Thai border, either by boat or overland on dirt roads built expressly for that purpose by the companies, where they are collected at places called rest areas before being sent further on into Thailand. According to both Thai and Cambodian regulations, the logger/exporter must secure a certificate of origin from the Cambodian Government, a permit from the Thai embassy in Cambodia, and permission from the Thai Interior Ministry to import the logs into Thailand.

There is one more party, however, that plays a major role in the logging: the Khmer Rouge [KR]. Led by the infamous Pol Pot, the KR controlled the government of Cambodia from 1975 to 1979. During that time, it was directly responsible for the genocide of more than one million Cambodians in the ''Killing Fields.'' Since the 1991 U.N. peace agreement established a democratic government in Cambodia, the KR has been relegated to the role of a rebel guerilla force. Although the government has made some inroads in combatting the KR, including implementing a somewhat successful amnesty program, the KR remains a strong force in the western khet of Batdambang, Pursat, Banteay Meanchey and Siem Reap. Despite the campaign being mounted against them, though, they still receive a steady flow of food, military supplies, and currency sufficient to pay their 10,000 to 20,000 man militia; and therein lies the connection to the timber trade and the Thai military.

Over the past several years, the press has consistently reported that the Thai military has been providing assistance and support to the Khmer Rouge. The links between the two are longstanding. Beginning in 1979, Thailand acted as a funnel for Chinese-supplied arms being transshipped to the KR—apparently in return for an end to Chinese support for rebel Thai Communists in northern Thailand. Since then, the evidence suggests that the Thai have regularly supplied the KR with logistical support and materiel. In return for this support, Thai business interests and certain government sectors have benefitted from access to timber and gem resources within that part of Cambodia along the Thai border controlled by the KR. Their interest is sizable; in 1993, the U.S. Embassy in Thailand estimated that Thai logging companies had some $40 million invested in timber concessions in KR-held areas.

It is from the sale of these resources that the KR acquires funds sufficient to continue its reign of terror in Cambodia. The process is actually quite simple. Foreign companies interested in harvesting timber in western Cambodia purchase official lumber concessions from the government in Phnom Penh. Having dealt with the de jure government, however, the companies must then deal with the de facto government in western Cambodia: the KR. The companies pay the KR for the right of safe passage into KR-held territory, to fell the timber, and to transport it out to Thailand safely. The present going rate of payment to the KR per cubic meter is between 875 and 1,000 baht, or between $35 and $40. It is estimated that the weekly income to the KR from timber carried across just two of the many border points is around $270,000, with total monthly income to the KR estimated at between $10 and $20 million.

Once felled and placed on the back of trucks, the logs are driven across the Thai border. That crossing, however, is not without its costs. The Thai military—the Marines, actually—controls a 4-mile wide strip along the Thai side of the border, and in order to negotiate it the logging trucks must pass through guarded checkpoints where, it appears, payments in the form of tolls or bribes are made to Thai concerns.

The Thai have consistently, albeit often disingenuously, denied any ties to the KR or to the timber trade. Each round of denials, however, is soon followed by press reports and concrete evidence to the contrary. For example, in 1994 Thailand officially closed its border with Cambodia partly as a result of the murder of more than 20 Thai timber workers by the KR and partly as a result of international criticism. In a press statement made shortly thereafter, Maj. Gen. Niphon Parayanit, the Thai commander in the region, stated flatly that the border was closed, that the military had severed all links with the KR, and that ''there [was] no large-scale cross-border

trade going on.'' The official denials have continued to this day, including one of the more recent by Prime Minister Chuan noted in the May 26 edition of the Bangkok Post.

Despite these denials though, and despite a Cambodian ban on logging, credible eyewitness reports from members of the London-based group Global Witness fully confirm, in my opinion, that the trucks are still rolling across the Thai border. If—as the Thai military alleges—it is not involved in the timber trade either directly or by turning a blind eye to the shipments, I can think of no other explanation than that the military personnel in the border zone are completely incompetent. One of the more heavily travelled timber roads in the border zone, one that according to my information is in daily use even as I speak, is within sight of one of the Thai Marine camps. Nor can the central Thai Government claim ignorance; Global Witness recently brought to light a current timber import permit signed by the Thai Interior Minister.

Mr. President, continued Thai support for the KR—in this or any manner—concerns me greatly for several reasons. First and foremost, the financial support the trade affords to the KR continues to allow it to survive thereby seriously endangering the growth and continued vitality of the nascent Cambodian democracy. That system is having enough trouble getting off the ground and running smoothly without having to deal with the KR insurgency. Secondly, Thailand's actions run counter to its obligations under the 1991 Peace Accord and serve to undermine it. Finally, the clandestine nature of the timber extraction has removed it from the control of the Cambodian central government. It is subsequently free to continue without regard to any regulations aimed at limiting the amount of timber taken, preventing serious ecological damage, ensuring sustained growth, or protecting the lives and livelihoods of the local populace.

I have made my concerns about this issue clear to both of our Ambassadors-designate and to the State Department. I hope that this statement will make my concerns equally clear to the Thai Government. If a significant effort not made as promised by the Thai Government to fully investigate and then stem the cross-border trade and their dealings with the KR, then I would find myself placed in the position of calling on our government to abide by that provision of Public Law 103–306 requiring that the President shall ''terminate assistance to any country or organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.''

In closing, Mr. President, let me note that I greatly value the close relationship between us and the government and people of Thailand. However warm or important that relationship, though, we cannot allow it to obscure or interfere with what is our equally important dedication to the principles of democracy taking root in Cambodia. I, and I hope my colleagues, will be watching developments closely.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2058. An act establishing United States policy toward China.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2058. An act establishing United States policy toward China; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent and placed on the calendar:

S. 1060. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; and

S. 1061. A bill to provide for congressional gift reform.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Finance:

John Joseph Callahan, of Massachusetts, to be an Assistant Secretary of Health and Human Services.

Lawrence H. Summers, of Massachusetts, to be Deputy Secretary of the Treasury.

Howard Monroe Schloss, of Louisiana, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1054. A bill to provide for the protection of Southeast Alaska jobs and communities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS:

S. 1055. A bill to amend title 49, United States Code, to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier, and aviation industries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself, Mr. SIMPSON, Mr. KEMPTHORNE, Mr. COVERDELL, Mr. GREGG, Mr. NICKLES, Mr. LOTT, Mr. KYL, Mr. GRAMS, and Mr. FAIRCLOTH):

S. 1056. A bill to prohibit certain exempt organizations from receiving Federal funding; to the Committee on Governmental Affairs.

By Mr. COHEN (for himself, Mr. D'AMATO, Mr. BOND, Mr. FAIRCLOTH, and Mr. MACK):

S. 1057. A bill to amend section 1956 of title 18, United States Code to include equity skimming as a predicate offense, to amend section 1516 of title 18, United States Code to curtail delays in the performance of audits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WELLSTONE (for himself, Mr. SPECTER, Mr. HATFIELD, Mr. JEFFORDS, Mr. HARKIN, Mr. MOYNIHAN, and Mr. KENNEDY):

S. 1058. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

By Mr. CRAIG:

S. 1059. A bill to amend section 1864 of title 18, United States Code, relating to tree spiking, to add avoidance costs as a punishable result; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. WELLSTONE, Mr. LAUTENBERG, Mr. FEINGOLD, and Mr. BAUCUS):

S. 1060. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

By Mr. ROTH:

S. 1061. A bill to permit State and local governments to transfer-by sale or lease-Federal-aid facilities to the private sector without repayment of Federal grants, provided the facility continues to be used for its original purpose, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEFFORDS (for himself and Mr. NUNN):

S. 1062. A bill to amend the Employee Retirement Income Security Act of 1974 to increase the purchasing power of individuals and employers, to protect employees whose health benefits are provided through multiple employer welfare arrangements, to provide increased security of health care benefits, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROTH:

S. 1063. A bill to permit State and local governments to transfer—by sale or lease—Federal-aid facilities to the private sector without repayment of Federal grants, provided the facility continues to be used for its original purpose, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, Mr. DASCHLE, Mr. MACK,

Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. LEAHY, and Mr. LAUTENBERG):

S. 1064. A bill entitled ''The Middle East Peace Facilitation Act of 1995''; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1054. A bill to provide for the protection of Southeast Alaska jobs and communities, and for other purposes; to the Committee on Energy and Natural Resources.

THE SOUTHEAST ALASKA JOBS AND COMMUNITIES PROTECTION ACT

Mr. MURKOWSKI. Mr. President, I rise today to reluctantly reinitiate a debate concerning the management of the Tongass National Forest. I thought and hoped that Congress had resolved this issue with the passage of the Tongass Timber Reform Act of 1990 (TTRA). I want to emphasize my reluctance and unhappiness with the need to initiate corrective legislative action because the Tongass Timber Reform Act of 1990 was hailed by all concerned as a dramatic resolution to a longstanding debate on how to manage the Tongass. The congressional deliberations leading up to passage involved, as Senator JOHNSTON, my colleague from Louisiana, put it ''extraordinary cooperation'' among all of the parties involved.

When we passed the Tongass Timber Reform Act in 1990, I believe that Congress agreed with the Bush administration that—as long as the demand for timber existed—the industry should be provided sufficient volume from the remaining 1.7 million acre commercial forest land base to maintain the same amount of direct timber employment from operations on the Tongass National Forest that it enjoyed in 1990. I believe that all parties agreed that maintaining this level of employment was part of the compromise underlying the bill.

Well, the Congress withdrew 1.1 million acres of land; and the Bush administration unilaterally modified the long term timber sale contracts on the Tongass, and required buffer strips on all major anadramous streams. But the jobs portion of the compromise has been largely ignored by the current administration. Since 1990, direct timber employment on the Tongass National Forest has been reduced by more than 42 percent. As I see it, there are two principal reasons for this decline: First, the Forest Service has failed to seek to meet market demand as required by TTRA section 101; and second, a variety of environmental groups have administratively appealed or litigated most proposed timber sales. Today 13 of 23 currently proposed sales are held up because of legal action taken by the environmentalists. These enjoined sales now make it impossible for the Forest Service to ameliorate the impacts of the sales it has withdrawn from the pipeline.

What is happening in southeast Alaska is unfortunately not unique. Through a combination of Clinton administration initiatives and environmental group litigation we are seeing all forms of economic activity—timber, grazing, mining, and oil and gas exploration—driven off our public lands throughout the country. We are engaged in a policy of exporting both our jobs and some of our environmental problems to other nations. They will meet our material needs through production processes far less sophisticated and environmentally sensitive than our own. I represent the largest national forest in our system. I cannot believe that this forest cannot be managed to sustain a forest industry. I can no longer stand by as that industry is destroyed.

Let me first turn to Forest Service malfeasance and nonfeasance, for it is with the Agency's performance that I am most unhappy. There are four reasons why the Forest Service has been unable or unwilling to meet market demand: First, the Forest Service in Alaska has reinterpreted the definition of ''viable population of a species'' such that it is managing habitat to require that all species exist on all areas of the Tongass, not just the portion of the Tongass to which a particular species is indigenous; second, in accordance with its new hypersensitivity to species protection, the Forest Service in the spring of 1994 canceled the Alaska Pulp Corporation [APC] long term contract, withdrew 600,000 acres, and related timber sales, from the 1.7 million acre commercial forest land base remaining after the 1990 act, and moved Ketchikan Pulp Company [KPC] into the APC contract areas so that habitat conservation areas [HCAs] and goshawk reservation areas could be established on a portion of KPC's then existing sales; third, the Forest Service has subordinated Section 101 of TTRA to species protection concerns, interpreting this part of the compromise as nonbinding; and fourth, the environmental groups lawsuits have eliminated the Agency's ability to offset the effects of the first three developments.

My most immediate concern with the situation that the Forest Service has created is that it is rapidly getting worse. That is why I, along with other members of the Alaska Delegation, have come to the conclusion that we must act today. Let me describe the situation that exists.

The log shortage commenced with the Forest Service action in setting aside habitat conservation areas and goshawk reservation areas in the spring of 1994, continues to cause job reductions, and now threatens new job reductions. KPC has approximately 120 mmbf of timber on hand, needs approximately 220 mmbf to get through the winter until April or May of 1996, and can only achieve this additional volume if timber which is currently enjoined is made available by the Forest Service during this timber harvest season. Meanwhile, the Ketchikan sawmill is closed, the Wrangell sawmill is closed, and the Annette sawmill is operating on one shift only.

The timber sales program for the independent and small business timber industry, SBA, currently has 63.6 million board feet of timber under contract as of July 1, 1995. Only 5.92 million board feet of newly advertised SBA and independent timber sales have been made available in 1995 from all three supervisory areas of the Tongass. This should result in one independent SBA production facility closing by September 30, 1995, with a further reduction of regional, independent sawmill operations in the first quarter of 1996.

The Forest Service's response to this situation is to continue to assure the Alaska Delegation to rely on the Agency to rectify the crisis as they complete the Tongass Land Management Plan [TLMP] revision process. At first, this sounded attractive. But then we looked into how the Forest Service is conducting the plan revision process. The Agency is making a bad situation worse. Consequently, the TLMP revision will not and cannot resolve this crisis for the following reasons.

The TLMP revision process is designed solely to modify the 1991 draft plan alternatives. The 1991 alternatives were the first revision designed to implement the 1990 Act. The Forest Service is modifying this draft to consider such matters as population viability, cave issues, and ecosystem management. All of these priorities will likely reduce timber volumes from the 1991 alternatives; and from what has been offered to date.

Second, the current Forest Service approach to implementing the 1990 act and providing timber volume is to reduce market demand to the capacity of only those mills which remain open. Each time a mill closes, volume has been reduced accordingly. This ensures the continued closure of the Ketchikan and Wrangell sawmills, and precludes building a replacement medium density fiberboard facility for the closed pulpmill in Sitka. In my view, all of this is contrary to Congress' intent in the 1990 TTRA compromise.

Third, on June 30, 1995, Regional Forester Janik made public the 10-year timber sale projection shown on this chart. This was the final straw that broke the camel's back. This schedule shows an annual average volume of 278 million board feet. As this 10-year period mirrors the 10-year planning horizon for TLMP, we can only assume that the Forest Service has already made up its mind to drop the ASQ to 2.5 billion from the current 4.5 billion board feet, essentially reducing volume availability by almost half. This is both unacceptable, and unconscionable given the Agency's arguments that we rely on the TLMP revision process to fix the timber supply crisis.

Fourth, the TLMP scientists have been given an extremely short schedule which provides them insufficient time to collect and analyze data. This converts the TLMP science into off-hand impressions, which will be extremely conservative because of insufficient data. The October 24–26, 1994 meeting notes of the Forest Service's so-called goshawk committee, which have already been the subject of press reports, highlight this problem.

The Senate Energy and Natural Resources Committee conducted two oversight hearings on the management of the Tongass National Forest. The hearings were held in Washington, DC, on May 18; and in Wrangell, AK on June 1. In all, the committee heard from 55 witnesses, with an additional 100 or so statements for the record. The Clinton administration was well represented at each hearing.

The Alaska Delegation has also been involved in a prolonged discussion with the administration—including an exchange of detailed correspondence with Secretary Glickman—in an attempt to fashion an administrative solution to the timber supply crisis on the Tongass National Forest.

Regrettably, that does not now seem possible. The administration appears to be fixed on a path that can only increase job losses in the region. The administration seems to be wedded to a Tongass land management plan revision process that cannot solve the problem. So, where does this leave us?

In short, if we continue on our current path, we will most certainly not provide for sufficient volume to maintain jobs at the 1990 level. The compromise I envisioned in enacting the 1990 Tongass Timber Reform Act will not be realized.

The Southeast Alaska Jobs and Communities Protection Act which I am introducing today addresses these problems by restoring the 1990 compromise, and by providing the Forest Service with the ability which it says it lacks to reconcile the provisions of the 1990 Tongass Timber Reform Act and the more general public land and environmental statutes. The organizing principle behind my proposal is the protection of jobs—the number of jobs that existed in 1990, and that we sought to protect with the 1990 act. The mechanism to accomplish this goal is very simple. Whenever the Forest Service feels it has to reduce the timber base on the Tongass in a fashion that will reduce jobs, the Agency must revisit the land set-asides in the 1990 act and replace the loss of timber base with enough lands to maintain the jobs.

By focusing on jobs, and providing the Forest Service with flexibility that it says it does not now have, the Southeast Alaska Jobs and Communities Protection Act avoids tying the Agency's hands, or setting a mandated harvest level. Indeed, provisions in the bill requiring additional primary processing and encouraging value added manufacturing ensure that we get the maximum employment potential out of each stick of timber.

Mr. President, I will not review each provision of the bill. Rather, I will submit a section-by-section summary for the record. Suffice it to say that the bill incorporates suggestions from all sides included in the 155 or more pieces of testimony received at our oversight hearings.

In the same spirit as the 1990 act and today's proposal were drafted, I now invite all interested parties to offer in their constructive suggestions. I will schedule hearings on the measure, and hope to work closely with the administration and Senator JOHNSTON in the same kind of extraordinary cooperation that was the hallmark of the 1990 effort.

This cooperation is necessary because the status quo has become untenable. Even so, we have heard from some that: First, there is no timber supply problem on the Tongass; second, even if there is, they are not at fault; third, we need many more hearings before we do anything; and fourth, we need to sit back and allow the Forest Service to make the 1990 act work.

The general pattern of these arguments is not unfamiliar to me. Change a few words, and you could be summarizing the timber industry's arguments prior to 1990 in defending the status quo embodied in the 1980 act. In the late 1980's the Forest Service was slow to acknowledge that there was a problem, and then grudgingly worked with the Congress toward a solution. They are in a similar posture today. Also, as was the case in the late 1980's, middle ground interests like the Southeast Conference went beyond the posturing and the rhetoric to help isolate the problems and identify solutions. That is also the approach that the Southeast Conference took at our oversight hearings. Many of their suggestions are included in today's proposal.

By contrast, polemical broadsides and ad hominem attacks are neither helpful in solving this problem, nor an effective smokescreen to distract people who are losing their jobs. It is true that today both sides in the Tongass debate are in court challenging the implementation of the 1990 compromise. They both have lawyers, plenty of them. Forest conflicts usually increase the number of lawyers, even as they decrease the amount of timber. If lawyers were as useful as 2x4's maybe we wouldn't have such a problem today.

But it is time for everyone concerned to get beyond denial. The current situation will be improved neither by the TLMP revision, nor by more lawsuits. We will act because we have no choice. Unless we do, we will: First, lose the opportunity to reopen the Wrangell and Ketchikan sawmills; second, forego by default the possibility of establishing a medium density fiberboard mill in Sitka; third, discourage entrepreneurs who are presently considering the construction of a sawmill and kiln-dry facilities in Sitka; and fourth, suffer additional production curtailments at the Ketchikan pulp mill, and the closure of additional sawmills.

We are eager to receive—and are already receiving from thoughtful people—suggestions on how to proceed. Our objective is simply this: restore the compromise, and the jobs inherent in it, in the 1990 TTRA.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered printed in the RECORD, as follows:

SUMMARY OF THE PROVISIONS OF THE SOUTHEAST ALASKA JOBS AND COMMUNITIES PROTECTION ACT OF 1995

Section 1. The objective of this section is to make the changes necessary in the Tongass Land management Planning (TLMP) process so that sufficient volume can be made available from the Tongass National Forest to provide approximately 2400 direct timber jobs, which is the number of such jobs which existed when the bill passed in 1990.

All Tongass lands are to be considered in the TLMP process except those designated as Wilderness under Sections 503 and 703 of the Alaska National Interest Lands Conservation Act (ANILCA)(702(a)(1)).

For the Secretary to reduce the volume of timber available for harvesting from that needed to protect jobs at the 1990 level, the Secretary will have to do two things: (a) provide a jobs impact statement showing that the reduction of the jobs from the 1990 level and the adverse impacts on timber dependent communities is outweighed by the environmental gains to be achieved by the reductions; and (b) provide equivalent substitute timber volume. (709(a)(1) and 709(a)(2))

Timber cannot be withdrawn to maintain plant or animal diversity unless the Secretary makes a written determination that such action is necessary to prevent the species from becoming threatened or endangered. Even then, a jobs impact versus an environmental benefit review must be obtained and substitute timber must be provided. In addition, the State of Alaska must be consulted about controlling predators which prey upon the species of concern, and all nonsubsistence uses of the species must be terminated. (709(a)(3))

The Secretary is directed to manage second growth timber stands to maximize future timber production, and to make second growth timber suitable for deer habitat and for other species. (709(a)(4))

Subsection (b) of Subsection 1 states that the timber substitution process required under subsection (a) will be done without the need for a National Environmental Policy Act of 1969 (NEPA) review. (709(b))

Subsection (c) makes it clear that a revised TLMP plan, meeting the requirements of this section, shall be found to be consistent with other laws pertaining to the National Forests. This Act takes precedence over less specific legislation.

Section 2. The objective of this section is to require the Forest Service to meet market demand with a supply of mid-market timber.

Subsection (a) requires that the Secretary meet market demand with a supply of mid-market timber on an annual and planning cycle basis. (705(a))

Subsection (b) requires the Secretary to monitor the timber supply and demand from the Tongass National Forest, and provide a report to the public on January 1 of each year, providing that information and explaining how the Secretary intends to reconcile market demand with other requirements of law. (705(b))

Subsection (c) requires that the Secretary's determination required by subsection (b) is utilized in setting timber sale volume and offering levels for the Tongass. The explanation shall be contained in the President's budget for that fiscal year. (705(c))

Subsection (d) prohibits the reduction of timber volumes available for harvest, unless the Secretary determines that the timber job reductions and resulting adverse impacts upon timber dependent communities are outweighed by the environmental benefits to be achieved. Where such a reduction occurs, equivalent volume of lands economically suitable for timber production must be substituted. (705(d))

Subsection (e) describes how such substitution is to take place. (705(e))

Subsection (f) requires regulations be promulgated to implement the provisions of Section 2, within 60-days of enactment of the section. (705(f))

Subsection (g) provides that a court shall not find that a sale or offering of timber on the Tongass National Forest which complies with this section is inconsistent with other laws providing for forest management. This Act takes precedence over less specific legislation.

Section 3. Section 3 amends Section 102 of the Tongass Timber Reform Act to make Section 6(k) of the National Forest Management Act (NFMA) consistent with the provisions of this Act. Moreover, Section 6(k) cannot be used to delete volume from the Tongass unless substitute timber is provided.

Section 4. The objective of Section 4 is to require the Secretary to provide an annual volume of 80 million board feet of timber to small business concerns and to better tailor timber sales to the needs of small businesses.

Section 5. Section 5 provides a direct cause of action to persons and communities adversely affected by the Secretary's actions under this Act. Sixty days notice to the Secretary is required as a predicate to filing such a suit. This provision is necessary as a counterweight to the environmental organization's ability to stop or enjoin timber sales under the National Environmental Policy Act of 1969.

Section 6. This section requires the Secretary to request annual appropriations sufficient to provide at least a three-year supply of unharvested timber and requires the Secretary to provide reports to the public concerning that timber.

Section 7. The objective of Section 7 is to allow a purchaser of Tongass National Forest timber to lay out timber sales pursuant to the Record of Decision signed by the Contracting Officer following completion of a NEPA analysis for that sale. The Forest Service has the authority to modify or approve such a layout.

Section 8. Section 8 repeals Section 301(c)(2) of the Tongass Timber Reform Act, which requires proportionality for timber offerings made pursuant to the long term contracts. Now that there is only one pulp mill left, and Classes 5, 6 and 7 timber are being considered together, this provision is unnecessary. The technical aspects of implementing such a provision have been enjoined on several occasions. The new Forest Service method for determining proportionality in response to such lawsuits is a process that costs $200,000 and an entire operating season to implement. In short, the section is repealed because the environmental benefits are far outweighed by the costs associated with the provision.

Section 9. The objective of Section 9 is to direct the Secretary to reschedule the timber sales and offerings which were deferred because of the June 1994 habitat conservation areas (HCAs) and goshawk reservation area withdrawals by the Forest Service.

Section 10. Section 10 amends Section 1326(b) of ANILCA to add a definition of the term ''withdrawal'' as used in that section. Section 1326(a) precludes a withdrawal of more than 5,000 acres of public land in the aggregate unless such a withdrawal is made by the President and concurred by Congress. The new definition of ''withdrawal'' includes temporary reservations or deferrals. This is to avoid situations as those that occurred with the HCAs and goshawk reservation areas in June 1994 when one-third of the commercial forest land was withdrawn and remains withdrawn because the Agency contends that it does not constitute a land withdrawal, as that term is currently defined in ANILCA.

Section 11. This section prohibits the export of all sawlogs, pulp logs, utility logs and chips (based on a 90% test). It also permits the State of Alaska to decide whether or not to allow the export of timber from timber sales on state lands.

Section 12. Section 12 directs the Secretary of Agriculture to study the prospects for encouraging value added manufacturing utilizing Tongass National Forest timber resources.

Section 13. Section 13 defines terms used in the bill.

By Mr. HOLLINGS:

S. 1055. A bill to amend title 49, United States Code, to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier, and aviation industries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT AMENDMENTS OF 1995

Mr. HOLLINGS. Mr. President, today I am introducing legislation that would clarify the Department of Transportation's authority with respect to preemployment alcohol testing of our transportation workers. The bill seeks to make the program originally instituted through the Omnibus Transportation Employee Testing Act of 1991 more effective by eliminating the requirement for preemployment alcohol testing, and making the test permissive instead. Mothers Against Drunk Driving [MADD], which was very involved in the original bill, recently said that the mandatory pre-employment testing of all applicants ''regardless of their other qualifications may be unduly burdensome. It does not seem to make much sense to require that an applicant be tested who did not have the qualifications for the job and who was not going to be offered a position.'' I agree with MADD, and so does Secretary Peña, who has asked that I sponsor this clarifying legislation. The legislation, if enacted, could save the affected industries about $30 million. It is an effort to streamline the Department's regulations and make them more reasonable, while not changing in any way our commitment to eliminating the use and abuse of alcohol and drugs.

From 1987 until 1991, I fought to require drug and alcohol testing of our transportation system employees. The Commerce Committee reported numerous bills in an effort to improve safety after the tragic rail accident at Chase, MD, in which 16 people were killed. The Omnibus Transportation Employee Testing Act was considered and passed by this body 13 times before we were able to make it the law of the land as part of Public Law 102–143, the Department of Transportation and Related Agencies Appropriations Act, 1992.

The act mandated drug and alcohol testing of safety-sensitive employees in the aviation, rail, truck, and bus sectors. The act was designed to prevent needless and senseless accidents caused by those individuals who are irresponsibly using and abusing drugs and alcohol while operating our transportation system. I had heard too much testimony, read too many articles, and seen too many reports of accidents where our citizens were put at risk, and injured or killed, because of the foolish actions of some. I said when the bill was passed that the vast majority of transportation sector workers are highly dedicated professionals that do not use drugs or abuse alcohol. Yet, the Act was made necessary to protect workers and travelers from the senseless actions of but a few of their coworkers.

The bill today continues our commitment to the traveling public, in a responsible and reasonable manner.

By Mr. CRAIG (for himself, Mr. SIMPSON, Mr. KEMPTHORNE, Mr. COVERDELL, Mr. GREGG, Mr. NICKLES, Mr. LOTT, Mr. KYL, Mr. GRAMS, and Mr. FAIRCLOTH):

S. 1056. A bill to prohibit certain exempt organizations from receiving Federal funding; to the Committee on Governmental Affairs.

THE FEDERAL ADVOCACY REFORM ACT OF 1995

Mr. CRAIG. Mr. President, I am proud to join today with my friend, the senior Senator from Wyoming, ALAN SIMPSON, and several other colleagues, in introducing the Federal Advocacy Reform Act of 1995. In reality, this bill is a Taxpayers' declaration of independence from the special interests.

This is not an issue of left-versus-right: It's about principles that apply across the board:

Public money should be spent on the public interest, and not on the political agendas of special interests. The Federal Government should not give special interests money to pay for lobbying for more money, or for political advocacy. Our effort is about ensuring Government integrity and responsible stewardship of taxpayer dollars. Taxpayers should not be compelled to fund special interest lobbying that is against their interests.

Many groups who claim to speak for grass roots members or large groups of Americans actually use Federal dollars inappropriately to amplify the voices of a few.

Next week, the Senate is supposed to take up gift and lobbying reform bills. People are correctly focused on lobbyists' gifts to legislators; but we also

need to worry about the Government's gifts to lobbyists. Senator SIMPSON and I plan to pursue an amendment like today's bill at that time, next week, when the Senate considers lobbying reform. Mr. President, our bill is real lobbying reform. It will protect the taxpayers' pocketbooks from the abuse that has gone on too long for the benefit of narrow, special interests.

Today, in the House of Representatives, the Appropriations Committee was scheduled to consider an amendment on this same general topic, written by Congressmen ERNIE ISTOOK, DAVE MCINTOSH, and BOB EHRLICH. Although our specific approaches may differ, our goals are the same. I commend their work and look forward to watching both bodies progress in our consideration of this issue.

By Mr. COHEN (for himself, Mr. D'AMATO. Mr. BOND, Mr. FAIRCLOTH, and Mr. MACK):

S. 1057. A bill to amend section 1956 of title 18, United States Code to include equity skimming as a predicate offense, to amend section 1516 of title 18, United States Code to curtail delays in the performance of audits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EQUITY SKIMMING LEGISLATION

Mr. COHEN. Mr. President, I reintroduce legislation to help the Department of Housing and Urban Development deal with the fraudulent practice of equity skimming.

As the chairman of the Governmental Affairs Subcommittee on Oversight, I have investigated a disturbing number of instances of fraud.

Over the past 2 years, I have been looking at the Department of Housing and Urban Development's [HUD] subsidy and mortgage insurance programs. This investigation has focused on an outrageous practice know as equity skimming.

Equity skimming is the term used to describe a particular type of housing fraud. It occurs when an owner of a HUD-insured project takes money intended to be used to pay the mortgage and provide maintenance and upkeep of the project and diverts it for his or her own use. This diversion of funds often causes the owner to default on their mortgage, forcing HUD—which guaranteed the loans—to pay the private lender the balance of the mortgage. At this point, HUD assumes the mortgage and the owner is required to make mortgage payments to HUD. Regrettably, however, the owner often continues to divert funds for personal use rather than meet mortgage and other expenses. As a result, these projects often fall into disrepair, forcing the tenants to endure intolerable living conditions.

The term ''equity skimming'' is somewhat of a misnomer in that the actual equity that the owner invests in the project is relatively small compared to the amount skimmed by the owner.

The HUD IG estimates that equity skimming has cost taxpayers approximately $6 billion to date. HUD has approximately 20,000 total projects in its insured mortgage portfolio, totaling over $40 billion. HUD holds another $10 billion in mortgages already in default. An additional $10 billion worth of HUD-insured mortgages are estimated to be at risk of default and in fiscal year 1993 alone HUD paid $965 million in multifamily housing mortgage insurance claims to private lenders. HUD's IG believes that a significant amount of the defaults are a result of equity skimming.

The tragedy of this fraud goes beyond the waste of taxpayer dollars. As a result of equity skimming, tenants have been forced to live in horrible conditions because needed repairs go unattended to. At the same time, the owners of these projects live the high life while HUD is stuck with the cost of insuring the mortgage and rehabilitating the deteriorated project.

Let me give a couple of examples of how this shoddy practice has worked.

In upstate New York, partners in a nursing home claimed to be broke and failed to make payments on a $5.1 million HUD-insured mortgage. While they were defaulting on the mortgage and sticking the taxpayers with the bill, the partners used various guises to divert some $500,000 to personal use and paid themselves another $1.7 million in fees for unverified services. While these partners were lining their own pockets, nursing home residents were going without appropriate care.

Another case of equity skimming involved a company in Texas, which managed approximately 86 HUD insured and/or subsidized multifamily projects. Results of a HUD IG audit revealed that $19.6 million of the expenses were either ineligible or questionable because of insufficient support or evidence; The management company inadequately documented $1.2 million in maintenance expenses and lacked documentation for some $5.6 million in contracting expenses. The management company also diverted $500,000 in project funds. The projects deteriorated at the expense of HUD, the taxpayers and the tenants who lived in seriously substandard housing. Due to the management company's lack of cooperation with HUD's auditors, HUD was unable to identify all the diversions and unsupported expenses.

In yet another case of equity skimming, the owner of four projects in Tennessee, diverted some $4.7 million for personal benefit after defaulting on the HUD-insured mortgages. The owner also diverted almost $800,000 to his wife rather than pay the mortgage. The owner also used another $1 million to pay another loan and diverted $1.2 million to his other companies.

Because of improper diversion of project funds, the condition of a housing project in Kansas deteriorated leaving the tenants, who were receiving Federal rent subsidies, living in deplorable conditions. Apartments were roach infested, ceilings were falling down, and doors and windows provided neither security nor protection from the weather. The cost to rehabilitate the project came to an estimated $1.4 million on a property worth $1.8 million.

Two other cases of equity skimming in Minnesota cost the Government almost $600,000. In one case, two partners collected rent and Government subsidies while failing to make full mortgage payments on their federally insured mortgages. The total cost to the taxpayers in this case was about $425,000. In the other case, two owners of five subsidized buildings collected more than $173,000 in rent while neglecting to make mortgage payments.

HUD is taking positive steps to crack down on the owners engaged in equity skimming. HUD is working to prevent the diversions from happening in the first place but, if this fails, HUD intends to step up its efforts to recover the diverted moneys. My legislation will give HUD some much needed tools to help curb the problem of equity skimming.

My legislation has three parts. The first part would allow equity skimming to fall under provisions of the Federal money laundering statute. Under current law, when the Federal Government sues project owners who steal or misappropriate money from federally insured housing projects, owners are able to protect their ill-gotten gains by transferring these assets to other individuals or parties during the lengthy litigation process. Making equity skimming a violation of the Federal money laundering statute will allow the Government to seize the assets.

The second part would make HUD insured mortgage programs subject to the statute which makes it unlawful to obstruct Federal auditors. Unfortunately, there is currently some question as to whether this existing statute applies to owners who receive HUD-insured mortgages because the owners receive no direct Federal payment. Because the mortgages are insured and no money goes directly to the owner from the Government, owners are able to use the ambiguity in the law to stonewall Federal auditors. My bill would make clear that owners of housing projects financed with government-insured mortgages are subject to the audit obstruction statute. Perpetrators of equity skimming would no longer be able to hide their books from Federal auditors.

The third provision in the bill requires HUD to provide in its agreements with borrowers that HUD could recover from project owners any funds lost by HUD as a result of equity skimming. Under this new provision, if an owner is convicted of equity skimming, the owner will be responsible for HUD's entire loss. Currently, HUD is unable to recover any funds it used to pay off the balance of the defaulted mortgage even if the borrowers are found guilty of equity skimming.

Mr. President, this legislation should go far in slamming the door on fraudulent owners and managers who take advantage of both taxpayers and tenants to line their own pockets.

I ask unanimous consent that a letter from the inspector general at HUD, Susan Gaffney, in support of this legislation, and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Federal Government makes available mortgage insurance and other assistance to encourage investors and lending institutions to provide housing to low-income individuals and families;

(2) in general, this current system functions well;

(3) some unscrupulous owners of federally assisted housing, however, have diverted Federal housing subsidies and other funds to personal and other improper uses, while failing to make payments on their insured mortgages or maintain the assisted housing;

(4) this practice of diverting funds, known as equity skimming, has cost the Nation's taxpayers an estimated $6,000,000,000; and

(5) current law is inadequate to deter or prevent the practice of equity skimming.

SEC. 2. INCLUSION OF EQUITY SKIMMING AS A LAUNDERING OFFENSE.

Seciton 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''sanction 254 of the National Housing Act (relating to equity skimming),'' before ''or any felony violation of the Foreign Corrupt Practices Act''.

SEC. 3. OBSTRUCTION OF FEDERAL AUDIT.

Section 1516(a) of title 18, United States Code, is amended by inserting ''or relating to any property that is security for a mortgage that is insured, guaranteed, acquired, or held by the Secretary of Housing and Urban Development pursuant to any provision of law described in section 254(a) of the National Housing Act,'' after ''under a contract or subcontract,''.

SEC. 4. EFFECT OF EQUITY SKIMMING ON MORTGAGE INSURANCE.

Seciton 254 of the National Housing Act (12 U.S.C. 1715z–19) is amended—

(1) by striking ''Whoever'' and inserting the following:

''(a) IN GENERAL.—Whoever''; and

(2) by adding at the end the following new subsection:

''(b) EFFECT OF VIOLATION.—Each contract for insurance under any provision of law described in subsection (a) shall provide that if an owner, agent, manager, or other person who is otherwise in custody, control, or possession of any property described in subsection (a) is convicted of a violation of that subsection, the Secretary may recover from such owner, agent, manager, or other person an amount equal to the sum of—

''(1) any benefit of insurance conferred on the mortgagee by the Secretary with respect to such property; and

''(2) any loss incurred by the Secretary in connection with such property; if the Secretary determines that the violation contributed to such conferred benefit or incurred loss. Any recovery under this subsection shall be in addition to any fine, imprisonment, or other penalty imposed under subsection (a).''.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
Washington, DC, February 16, 1995.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you to express my appreciation and support of your efforts to address equity skimming in HUD multifamily projects by promoting legislation for more effective enforcement authority.

As part of Operation Safe Home, HUD has initiated an aggressive proactive effort to pursue affirmative litigation against owners of multifamily housing projects whose owners misuse project operating funds. The goal of Operation Safe Home is to stop major abuses in HUD programs that result in unacceptable living conditions for the millions of needy people who look to HUD for help. As you know, equity skimming has done much to undermine HUD's ability to provide quality affordable housing and has significantly impacted the cost of doing so.

A primary objective of the Equity Skimming aspect of Operation Safe Home is to create an enforcement program that provides an effective deterrent and recovery mechanism for the misuse of income and assets at projects having HUD insured or Secretary-held mortgages.

One of our goals is to initiate changes to statutes, HUD regulations, and contracts with HUD program participants that will facilitate the application of enforcement actions. Your efforts to change statutes to make equity skimming a money laundering offense, hold owners personally liable for related losses incurred by the Federal Government, and to deter the obstruction of Federal audits, are significant. Such statutes will enable us to better ensure compliance with the requirements for the operation of assisted multifamily housing in a decent and safe manner for all of those who rely upon HUD for housing.

If I can be of any further support or assistance to your efforts for addressing these important enforcement issues, please let me know.

Sincerely,

SUSAN GAFFNEY,
Inspector General.

By Mr. WELLSTONE (for himself, Mr. SPECTER, Mr. HATFIELD, Mr. JEFFORDS, Mr. HARKIN, Mr. MOYNIHAN, and Mr. KENNEDY):

S. 1058. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

THE COMPREHENSIVE TORTURE VICTIMS RELIEF ACT OF 1995

● Mr. WELLSTONE. Mr. President, I introduce the Comprehensive Torture Victims Relief Act of 1995. I am joined today by Senators SPECTOR, HATFIELD, JEFFORDS, HARKIN, MOYNIHAN, and KENNEDY, as original cosponsors of this measure. This bipartisan legislation outlines a comprehensive strategy for providing critical assistance to refugees, asylees, and parolees who are torture survivors in the United States and abroad. It is an important blueprint for an overall approach to the serious problem of torture. This legislation provides a focus and a framework for a newly reenergized debate about where torture survivors, and our response to the practice of torture by other countries, fit within our foreign policy priorities.

The bill authorizes funds for torture rehabilitation programs, both here and abroad. It also increases the U.S. contribution to the U.N. Voluntary Fund for Torture Victims. It is similar to legislation introduced toward the end of last year by myself, and Senator Durenburger and HARKIN. The bill is being supported by over 65 organizations concerned with human rights issues. This legislation is also similar to H.R. 1416, introduced earlier this year in the other body by Representative CHRISTOPHER SMITH of New Jersey and cosponsored by a bipartisan group of ideologically diverse Representatives ranging from Representative HYDE to Representative FRANK, and including Representatives LANTOS, WOLF, ROHRABACHER, YATES, PELOSI, SABO, MCKINNEY, and VENTO. With such bipartisan support, I hope that Congress will move quickly to enact this important legislation.

While the huge cuts in foreign aid programs that have been proposed in Congress will make even a modest expansion of torture treatment assistance doubly difficult, I want to do everything I can to see the key provisions of this bill enacted into law. I hope that enactment of this legislation will be a watershed in the movement to garner broader public and private support, both here and abroad, for much-needed torture rehabilitation programs.

Specifically, the Comprehensive Torture Victims Relief Act would authorize funds for domestic refugee assistance centers as well as bilateral assistance to torture treatment centers worldwide. It would also change our immigration laws to give a priority to torture survivors; provide for specialized training for U.S. consular personnel who deal with torture survivors; and commission a comprehensive study by the National Institutes of Health on the numbers and geographical distribution of refugees and asylees who are torture survivors now in the United States. That study should help refine our goals and then help us to target those people in need of rehabilitation assistance.

Finally, the bill would allow an increase in the U.S. contribution to the U.N. Voluntary Fund for Torture Victims, which funds and supports rehabilitation programs worldwide. In 1994, this fund contributed over $3.7 million to 106 projects in 60 countries. I believe that continuing to expand the U.S. contribution to the fund is necessary as a show of genuine U.S. commitment to human rights, and I will continue to push until these programs receive the funding they need and deserve.

This bill would not cause an increase in the Federal budget deficit because spending would be reallocated from among funds already provided for in

Federal law. For example, as a demonstration of our commitment, the United States could reallocate funds to these rehabilitation programs from military assistance to foreign governments which torture their own people, or condone it within their borders. Reducing military aid to countries which practice torture or ignore its existence has a certain symmetry, and would be another way of signifying our opposition to torture.

Mr. President, the practice of torture is one of the most serious human rights issues of our time. Governmental torture, and torture being condoned by officials of governments, occurs in at least 70 countries today. We have seen this most horribly demonstrated recently in Bosnia, where torture, rape, and other atrocities have become commonplace. We can and must do more to stop torture, and to treat its victims. Treating torture victims must be a much more central focus of our efforts as we work to promote human rights worldwide.

Without active programs of healing and recovery, torture survivors often suffer continued physical pain, depression and anxiety, intense and incessant nightmares, guilt and self-loathing. They often report an inability to concentrate or remember. The severity of the trauma makes it difficult to hold down a job, study for a new profession, or acquire other skills needed for successful adjustment into society.

Providing treatment for torture survivors is one of the best ways we can show our concern for human rights around the world. The United States and the international community have been increasingly aware of the need to prevent human rights abuses and to punish the perpetrators when abuses take place. But too often we have failed to address the needs of the victims. We pay little if any attention to the treatment of victims after their rights have been violated.

The commitment to protect human rights is one shared by many around the world. In 1984, the United Nation approved the United Nations' Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment. The U.S. Senate ratified it in April 1994. Although Congress has taken some steps to implement parts of the convention, we have not yet taken action to provide sufficient rehabilitation services in the spirit of the language of article 14 of the convention.

Certainly, there exists a great need for the rehabilitation programs supported by this legislation. The generally accepted estimate of the number of torture survivors, including refugees, asylees, and parolees in the United States, hovers around 200,000—although some experts in the field believe it may be closer to 400,000. In my State of Minnesota alone, there are estimated to be over 8,000 survivors of torture. The Federal Government's response to this problem so far has been minimal.

In Minnesota, we began to think about the problem of torture, and act on it, over 10 years ago. The Center for Victims of Torture in Minneapolis is the only fully-staffed torture treatment facility in the country and one of a select few worldwide. They just celebrated their 10th anniversary. The center offers outpatient services which can include medical treatment, psychotherapy and help gaining economic and legal stability. Its advocacy work also helps to inform people about the problem of torture and the lingering effects it has on victims, and ways to combat torture worldwide. The center has treated or provided services to hundreds of people over the last 10 years.

Some of the often shrill public rhetoric these days seems to argue that we, as a nation, can no longer afford to remain engaged with the world, or to assist the poor, the elderly, the feeble, refugees, those seeking asylum—those most in need of aid who are right here in our midst. The Center for Victims of Torture stands as a repudiation of that idea. Its mission is to rescue and rehabilitate people who have been crushed by torture, and it has been accomplishing that mission admirably over the last 10 years. It is a light of hope in the lives of those who have for so long seen only darkness, a darkness brought on by the brutal hand of the torturer.

I would like to thank the distinguished human rights leaders who helped craft this bill, including those at the Center for Victims of Torture in Minneapolis and others in the human rights community here in Washington and in Minnesota. Without their energy and skills as advocates for tough U.S. laws which promote respect for internationally recognized human rights worldwide, the cause of human rights here in the United States would be seriously diminished. I salute them today. We must commit ourselves to aiding torture survivors and to building a world in which torture is relegated to the dark past. My hope is that we can help bring about a world in which the need for torture treatment programs becomes obsolete. I urge my colleagues to cosponsor this bill, and I urge its timely passage.

I ask unanimous consent that a partial list of organizations supporting the Comprehensive Torture Victims Relief Act be printed in the RECORD along with a copy of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Torture Victims Relief Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The American people abhor torture by repressive governments and other parties. The existence of torture creates a climate of fear and international insecurity that affects all people.

(2) Torture is the strategic use of pain to destroy both individuals and society. The effects of torture are long term. Those effects can last a lifetime for the survivors and affect future generations.

(3) By eliminating leadership of their opposition and frightening the general public, repressive governments use torture as a weapon against democracy.

(4) Torture victims remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many nations, even those who treat torture victims are threatened with reprisals, including torture, for carrying out their ethical duties to provide care. Both the survivors of torture and their treatment providers deserve, and often require, protection from further repression.

(5) A significant number of refugees and asylees entering the United States have been victims of governmental torture. Those claiming asylum deserve prompt consideration of their applications for political asylum to minimize their insecurity and sense of danger. Many torture survivors now live in the United States. They should be provided with the rehabilitation services which would enable them to become productive members of our communities.

(6) The development of a treatment movement for torture survivors has created new opportunities for action by the United States and other nations to oppose state-sponsored and other acts of torture.

(7) There is a need for a comprehensive strategy to protect and support torture victims and their treatment providers together with overall efforts to eliminate torture.

(8) By acting to heal the survivors of torture and protect their families, the United States can help to heal the effects of torture and prevent its use around the world.

(9) The United States has ratified the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, but has not implemented all provisions of the convention.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) IN GENERAL.—Except as otherwise provided, the terms used in this Act have the meaning given such terms in section 101(a) of the Immigration and Nationality Act.

(2) TORTURE.—The term ''torture'' has the meaning given such term in section 2340(1) of title 18, United States Code, and includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

SEC. 4. PROHIBITION ON INVOLUNTARY RETURN OF PERSONS FEARING SUBJECTION TO TORTURE.

(a) PROHIBITION.—The United States shall not expel, extradite, or return involuntarily an individual to a country if there is substantial evidence of circumstances that would lead a reasonable person to believe that the individual would fear subjection to torture.

(b) DEFINITION.—For purposes of this section, the term ''to return involuntarily'', in the case of an individual in any locale, means the following:

(1) To return the individual without the individual's consent, whether or not the return is induced by physical force.

(2) To take an action by which it is reasonably foreseeable that the individual will be returned, whether or not the return is induced by physical force.

SEC. 5. IMMIGRATION PROCEDURES FOR TORTURE VICTIMS.

(a) IN GENERAL.—Any alien—

(1) who presents a credible claim of having been subjected to torture in the alien's country of nationality, or, in the case of an alien having no nationality, the country in which the alien last habitually resided, and

(2) who applies for—

(A) refugee status under section 207 of the Immigration and Nationality Act,

(B) asylum under section 208 of that Act, or

(C) withholding of deportation under section 243(h) of that Act,

shall be processed in accordance with this section.

(b) CONSIDERATION OF THE EFFECTS OF TORTURE.—In considering applications for refugee status, asylum, or withholding of deportation made by aliens described in subsection (a), the appropriate officials shall take into account—

(1) the manner in which the effects of torture can affect the applicant's responses in the application and in the interview process or other immigration proceedings, as the case may be;

(2) the difficulties torture victims often have in recounting their suffering under torture; and

(3) the fear victims have of returning to their country of nationality where, even if torture is no longer practiced or the incidence of torture is reduced, their torturers may have gone unpunished and may remain in positions of authority.

(c) EXPEDITED PROCESSING OF REFUGEE ADMISSIONS.—For purposes of section 207(c) of the Immigration and Nationality Act, a refugee who presents a credible claim of having been subjected to torture shall be considered to be a refugee of special humanitarian concern to the United States and shall be accorded priority in selection from the waiting list of such refugees based on compelling humanitarian concerns.

(d) EXPEDITED PROCESSING FOR ASYLUM AND WITHHOLDING OF DEPORTATION.—Upon the request of the alien, the alien's counsel, or a health care professional treating the alien, an asylum officer or special inquiry officer may expedite the scheduling of an asylum interview or an exclusion or deportation proceeding for an alien described in subsection (a), if such officer determines that an undue delay in making a determination regarding asylum or withholding of deportation with respect to the alien would aggravate the physical or psychological effects of torture upon the alien.

(e) PAROLE IN LIEU OF DETENTION.—The finding, upon inspection at a port of entry of the United States, that an alien described in subsection (a) suffers from the effects of torture, such as depressive and anxiety disorders, shall be a strong presumptive basis for a grant of parole, under section 212(d)(5) of the Immigration and Nationality Act, in lieu of detention.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General shall allocate resources sufficient to maintain in the Resource Information Center of the Immigration and Naturalization Service information relating to the use of torture in foreign countries.

SEC. 6. SPECIALIZED TRAINING FOR CONSULAR, IMMIGRATION, AND ASYLUM PERSONNEL.

(a) IN GENERAL.—The Attorney General shall provide training for immigration inspectors and examiners, immigration officers, asylum officers, special inquiry officers, and all other relevant officials of the Department of Justice, and the Secretary of State shall provide training for consular officers, with respect to—

(1) the identification of the evidence of torture;

(2) the identification of the surrounding circumstances in which torture is practiced;

(3) the long-term effects of torture upon the person;

(4) the identification of the physical, cognitive, and emotional effects of torture, including depressive and anxiety disorders, and the manner in which these effects can affect the interview or hearing process; and

(5) the manner of interviewing victims of torture so as not to retraumatize them, eliciting the necessary information to document the torture experience, and understanding the difficulties victims often have in recounting their torture experience.

(b) GENDER-RELATED CONSIDERATIONS.—In conducting training under subsection (a)(4) or subsection (a)(5), gender specific training shall be provided on the subject of interacting with women and men who are victims of torture by rape or any other form of sexual violence.

SEC. 7. STUDY AND REPORT ON TORTURE VICTIMS IN THE UNITED STATES.

(a) STUDY.—The National Institutes of Health shall conduct a study with respect to refugees and asylees admitted to the United States since October 1, 1987, who were tortured abroad, for the purpose of identifying—

(1) the estimated number and geographic distribution of such persons;

(2) the needs of such persons for recovery services; and

(3) the availability of such services.

(b) REPORT.—Not later than December 31, 1997, the National Institutes of Health shall submit a report to the Judiciary Committees of the House of Representatives and the Senate setting forth the findings of the study conducted under subsection (a), together with any recommendation for increasing the services available to persons described in subsection (a), including any recommendation for legislation, if necessary.

SEC. 8. DOMESTIC TREATMENT CENTERS.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 412 of the Immigration and Nationality Act (8 U.S.C. 1522) is amended by adding at the end the following new subsection:

''(g) ASSISTANCE FOR TREATMENT OF TORTURE VICTIMS.—(1) The Secretary may provide grants to programs in the United States to cover the cost of the following services:

''(A) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

''(B) Social services for victims of torture.

''(C) Research and training for health care providers outside of treatment centers or programs for the purpose of enabling such providers to provide the services described in subparagraph (A).

''(2) For purposes of this subsection, the term 'torture' has the meaning given to such term in section 3 of the Comprehensive Torture Victims Relief Act.''.

(b) FUNDING.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal year 1996, there is authorized to be appropriated such sums as may be necessary to carry out section 412(g) of that Act (relating to assistance for domestic centers and programs for the treatment of victims of torture), as added by subsection (a). Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1995.

SEC. 9. FOREIGN TREATMENT CENTERS.

(a) AMENDMENTS OF THE FOREIGN ASSISTANCE ACT OF 1961.—Part I of the Foreign Assistance Act of 1961 is amended by adding at the end of chapter 1 the following new section:

''SEC. 129. ASSISTANCE FOR VICTIMS OF TORTURE.—(a) The President is authorized to provide assistance for the rehabilitation of victims of torture.

''(b) Such assistance shall be provided in the form of grants to treatment centers and programs in foreign countries which are carrying out projects or activities specifically designed to treat victims of torture for the physical and psychological effect of the torture.

''(c) Such assistance shall be available—

''(1) for direct services to victims of torture; and

''(2) to provide research and training to health care providers outside of treatment centers or programs for the purpose of enabling such providers to provide the services described in paragraph (1).

''(d) For purposes of this section, the term 'torture' has the meaning given such term in section 3 of the Comprehensive Torture Victims Relief Act.''.

(b) FUNDING.—Of the total amount authorized to be appropriated in fiscal years 1996 and 1997 pursuant to chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and pursuant to section 31 of the Arms Export Control Act, there is authorized to be appropriated such sums as may be necessary to carry out section 129 of the Foreign Assistance Act, as added by subsection (a). Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1995.

SEC. 10. MULTILATERAL ASSISTANCE.

(a) FUNDING.—Of the amounts authorized to be appropriated in fiscal years 1996 and 1997 pursuant to chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and pursuant to section 31 of the Arms Export Control Act, there are authorized to be appropriated to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the ''Fund'') the following amounts for the following fiscal years:

(1) For fiscal year 1996, $4,000,000.

(2) For fiscal year 1997, $5,000,000.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers and programs;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

PARTIAL LIST OF ORGANIZATIONS SUPPORTING THE COMPREHENSIVE TORTURE VICTIMS RELIEF ACT

Advocates for Survivors of Trauma and Torture.

American-Arab Anti-Discrimination Committee.

American Association for the Advancement of Science.
American Friends Service Committee.
American Immigration Lawyers Association.
American Psychological Association.
Amnesty International U.S.A.
Amigos de los Sobrevivientes.
Bread for the World.
Catholic Foreign Mission Society of America, Maryknoll Fathers and Brothers.
Center for Development of International Law.
Center for Human Rights Legal Action.
Center for International Policy.
Center for the Victims of Torture.
Church World Service Immigration and Refugee Program.
Coalition ''Missing'' (U.S. Citizens Murdered, Tortured, Assaulted or Missing in Guatemala)
Columbian Fathers Justice and Peace Office.
Commission on International Human Rights, International Peace Research Association.
Conference of the Major Superiors of Men.
Doctors of the World, U.S.A.
Episcopal Migration Ministries.
Ethiopian Community Development Council, Inc.
Francois-Xavier Bagnoud Center for Health and Human Rights, Harvard School of Public Health.
Friends Committee on National Legislation.
Fund for New Priorities in America.
General Board of Church and Society, The United Methodist Church.
Guatemala Human Rights Commission—U.S.A.
Human Rights Advocates, San Francisco.
Human Rights Clinic, Montefiore Medical Center.
Human Rights Watch.
Immigration Refugee Service of America.
Indian Law Resource Center.
Institute for Policy Studies.
Institute for the Study of Psycho-Political Trauma.
International Educational Development, Inc.
International Human Rights Law Group.
International Labor Rights Fund.
International Rescue Committee.
Kentucky Interreligious Task Force on Central America.
Lutheran Immigration and Refugee Service.
Lutheran Office for Government Affairs, Evangelical Lutheran Church in America.
MADRE, Inc., New York, NY.
Marjorie Kovler Center, Chicago.
Mennonite Central Committee.
Minority Rights Group, Washington, D.C.
National Spiritual Assembly of the Baha' is of the U.S.
Network, A National Catholic Social Justice Lobby
Office for Church and Society, The United Church of Christ (U.S.A.)
Physicians for Human Rights
Physicians for Social Responsibility
Program for Torture Victims, Venice, CA
Robert F. Kennedy Memorial Center for Human Rights
Southeast Asia Resource Action Center
Survivors International, San Francisco
Unitarian Universalist Association
United Church Board for World Ministries, The United Church of Christ (U.S.A.)
United Nations Association of San Francisco
United States Catholic Conference
United States Committee for Refugees
Veterans for Peace
Washington Office on Africa
Washington Office on Latin America
World Federalist Association
Xanthos, Inc., Almeda, California.●

By Mr. CRAIG:

S. 1059. A bill to amend section 1864 of title 18, United States Code, relating to tree spiking, to add avoidance costs as a punishable result; to the Committee on the Judiciary.

TREE SPIKING LEGISLATION

Mr. CRAIG. Mr. President, I regret that I must come to the floor today to introduce this legislation. But some extreme preservation groups apparently know no bounds in their zealotry to stop timber harvest on national forests. They leave me no choice but to put a stop to their insane acts.

A preservation group in Idaho has just announced that they have spiked trees scheduled to be cut in an active timber sale. This is the last, desperate act of radicals who did not get their way with the Forest Service or in court. To gain their objectives, they are willing to jeopardize the lives of men and women working in the woods and in the sawmill. The possibility of a head rig exploding as it hits a spike bothers them not at all.

There should be no controversy over this timber sale. The U.S. Congress specifically guaranteed that this particular Cove-Mallard area of the Nez Perce National Forest was to be used for multiple-use purposes. On that basis, the Forest Service completed their forest plan and the appropriate NEPA documents for timber harvest. The radicals did not like that, so they appealed the NEPA decision. Their appeal was denied.

The radicals did not like being denied so they filed suit claiming violations of NEPA and the National Forest Management Act. The court disagreed. It found that the Forest Service had properly applied all the environmental laws in awarding the timber sale contracts in Cove-Mallard. So, logging began in Cove-Mallard.

Most of all, the radicals do not like logging, so they have taken this last, desperate act to force their wishes on all the rest of us. They have spiked trees in the Cove-Mallard timber sale.

And they brag about it. They brag that they have used ceramic spikes which cannot be found by metal detectors. They brag they have spiked the trees far up the stem of the tree so as to hide them and assure they cannot be disposed of easily when found.

This tree-spiking incident just proves that some preservation groups will not take no for an answer—even when that ''no'' comes from the Congress and from the courts. They feel their mission is beyond the law.

Well, it is not. My legislation will exact a heavy price from those who break the law. It will amend Public Law 100–690 to add strong penalties for the disruption, expense, and damage of tree spiking.

I hope my colleagues will join me in condemning this outrageous act. I ask their support to move this legislation very quickly as a signal that Congress will simply not tolerate this kind of blackmail.

By Mr. JEFFORDS (for himself and Mr. NUNN):

S. 1062. A bill to amend the Employee Retirement Income Security Act of 1974 to increase the purchasing power of individuals and employers, to protect employees whose health benefits are provided through multiple employer welfare arrangements, to provide increased security of health care benefits, and for other purposes; to the Committee on Labor and Human Resources.

THE EMPLOYER GROUP PURCHASING REFORM ACT OF 1995

Mr. JEFFORDS. Mr. President, I introduce the Employer Group Purchasing Reform Act of 1995 for myself and my Democratic colleague Senator NUNN. Our bill amends the Employee Retirement Income Security Act of 1974 (ERISA) in three significant ways. First, we provide increased protection for approximately 46 million employees in self-funded employee benefit health plans. Second, we increase the purchasing power and affordability of health insurance for small employers by putting into place the States ability to crack down on the fraudulent and abusive practices used by unscrupulous multiple employer welfare arrangement (MEWA) operators that have left thousands of small businesses and their employees without health insurance. We then make the way for voluntary health plan purchasing coalitions to flourish.

This bill complements S. 1028, the Health Insurance Reform Act of 1995, which is the bi-partisan bill that Senators KASSEBAUM and KENNEDY introduced last week, of which I am proud to be an original co-sponsor. As I said last week, the foundation for incremental health reform is a well-functioning private market. The Kassebaum-Kennedy bill makes great strides in addressing many of the problems in the insured market and also begins to level the playing field in both the insured and self-insured markets by applying the same national rules to both segments of the marketplace.

This Health Insurance Reform Act deals with one of the central concerns for all Americans, knowing their health insurance will be portable from job to job. Generally, portability means all people who have insurance today will be able to purchase affordable insurance tomorrow, even if they get sick, or change or lose their jobs. In order for this to occur, we have to convert the rules in today's insurance market, which reward excluding people, into rules where health plans must take all comers. The Health Insurance Reform Act takes a giant step toward this goal.

S. 1028 provides much needed improvements at the national level, but at the same time allows States the flexibility they need to move ahead

with their own reform efforts. Unfortunately, unless we make greater strides in leveling the playing field between the ERISA self-funded market and the insured market, the current trend of more and more businesses moving from the insured State regulated market to the self-insured federally regulated market, as documented in a soon to be released GAO report, will continue.

You may ask what is self-insured or self-funded anyway, and why should I be concerned about this trend? Well, self-funding is merely a pay-as-you-go financing mechanism used by employers and unions to fund health benefits for employees. The term is used synonymously for any ERISA health plan—but—in actuality ERISA health plans can be either insured or self-funded. The irony is that the term self-funded is never used in ERISA and therefore has never been defined. This lack of clarity about how much risk an ERISA plan must assume to be self-funded has caused havoc in the insured marketplace regulated by the States. This fragmentation has caused prices in the insured marketplace to continue to rise because of the risk segmentation. In addition, it is the insured market that gets assessed for providing subsidies for State high risk pools.

Employers choose to self-fund for basically two reasons. First, it provides greater flexibility and uniformity in benefit plan design and second, if you have a healthy workforce it costs less to provide your employees health benefits. Unfortunately, when some employers who self-fund experience an employee with a catastrophic illness they contain their costs by lowering life-time limits of health coverage. Our bill would prohibit this practice.

Many employees who are in self-funded ERISA plans are not aware of this fact because many of the large insurance companies, like Cigna, administer the claims and the employees' insurance card will usually say Cigna on the front. If a problem occurs with the plan most people will file a complaint with a State insurance department only to find out there is nothing the State can do because the plan is under ERISA and lacks many of the protections afforded people with insured plans.

When ERISA was passed, over 20 years ago, the many years of thought and architecture that went into the pension provisions that gave employees real security regarding their retirement were not duplicated in the health arena. As a matter of fact, the broadly drafted language of the preemption clause actually took protection away from employees who were not in an insured health plan.

A major reason the drafters did not take the same precision in the health benefit area was the certainty that this was not necessary because national health reform was just right around the corner. Well, here we are in 1995 still talking about health reform. As a matter of fact the talk has moved from the national front of last year toward looking to the States to move forward with reform. But the States are only able to reform the insured market. It is up to Congress to address the problems ERISA preemption has caused in the private market. If we do not figure out a way to level the regulatory playing field in the market we are never going to have a solid foundation for market based health reform.

The Employer Group Purchasing Reform Act levels the playing field in some significant ways. First, we define self-funding to make it clear that employers must assume substantial financial responsibility if they are to be afforded preemption from State insurance laws. Second, it emulates the portability protection individuals have when a group health plan disbands. Americans who purchase health insurance have the protection of State guarantee funds in the event a health insurer goes belly-up. Individuals who are in self-funded plans will now be assured a 3 month conversion policy in the event their employer goes out of business. Employees will no longer face a double whammy of losing a job and also their health insurance. Rather than have the Federal Government regulate and determine the appropriate solvency requirements for self-funded plans this bill has the market set the standards. Our bill will require self-funded plans to purchase involuntary plan termination insurance in the event of bankruptcy.

As I mentioned when the Kassebaum-Kennedy bill was introduced last week, I was most grateful for the inclusion of the health plan purchasing coalition section of S. 1028. I believe that the key to making health insurance more affordable for individuals and small employers is properly designed voluntary group purchasing arrangements. The health plan purchasing coalitions in our bill are very similar to those in S. 1028 except that we allow the coalition more flexibility in the design of the benefits offered through the multiple health plans in the coalition.

Employer group purchasing is not a new concept. Many employers have been pooling funds and contracting with entrepreneurs to offer health benefits to their employees at reduced rates, for many years, through something defined as MEWA's under ERISA. A MEWA is an arrangement where two or more employers group together to purchase health benefits. This definition, added to ERISA by the 1982 Erlenborn amendment, is very broad and encompassed all types of insurance-like arrangements that involve more than one employer, regardless of their corporate structure, insurance status, or status as an employee welfare benefit plan. Categorizing the various types of MEWA's is difficult primarily because different people use different terms to refer to the same entity.

While a number of MEWA's fill an important gap in our present health benefits system, some MEWA administrators have taken advantage of the confusion as to who bears the responsibility for regulatory oversight, the Feds or the States. They have been able to create and run ''Ponzi'' schemes designed to take premium payments with no intention of covering any major health claims. It has taken the States over 10 years to finally get the Federal courts to interpret that self-funded MEWA's were intended to be regulated by the States. Unfortunately, not all courts are in agreement.

My esteemed cosponsor of this legislation, Senator NUNN, led the effort to uncover the corruption in the operation of fraudulent MEWA's when he chaired the Senate Permanent Subcommittee on Investigations. He was instrumental in drafting the section of the bill that addresses MEWA reform. Simply put, we make it clear once and for all that the States are responsible for regulating all MEWA's. Therefore, the numbers of States that have moved forward in this area will no longer have to be involved in costly litigation, using precious State resources, to prove they are the regulators. Hopefully, we have now paved the way for other States to do the same. The Employer Group Purchasing Reform Act gives clear authority for State's to shut down fraudulent MEWA's and clear authority to certify the well designed and defined health plan purchasing coalitions which do not assume risk and are membership driven.

At this time, I'd like to take this opportunity to congratulate my colleague in the House, Congressman FAWELL, for leading efforts in the House to address the MEWA problems. Although we have taken different approaches to resolving this problem, I look forward to working with him and the cosponsors of his bill in finding the best way for small businesses to group together and finally get the same purchasing power in the market that has previously only been afforded to the large employers.

I won't take the time now to go over the rest of this bill but would ask unanimous consent to include a section-by-section analysis of he bill in the RECORD.

I am very excited about the bipartisan approach taken by both the Health Insurance Reform Act and the Employer Group Purchasing Reform Act. I am looking forward to working with my colleagues on the Labor Committee to make improvements in these bills and then take the best of these bills and report a bipartisan bill out of committee that we all can be proud to bring to the floor of the Senate this year.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF EMPLOYER GROUP PURCHASING REFORM ACT OF 1995

TITLE I—EMPLOYEE GROUP HEALTH PLAN SECURITY

Section 101. Employee Benefit Group Health Plan Non-Discrimination Requirements. Prohibits discrimination practices;

limits waiting periods based on preexisting conditions; requires credit for qualifying previous coverage; prohibits lifetime limits.

Non-discrimination. Prohibits health plans (fully-insured or self-insured) from denying coverage based on health status, medical condition, claims experience, medical history, anticipated medical needs, or disability. Plans may, however, offer discounts to members who participate in programs of health promotion or disease prevention.

Preexisting Conditions. Limits preexisting condition waiting periods to 12 months from enrollment, and then only if the condition was diagnosed or treated in the 6 month period prior to enrollment. Health plans may not impose a preexisting condition limitation to newborns or pregnancies.

Credit for Qualifying Previous Coverage. If a new health plan participant was still enrolled in qualifying coverage under another health plan within 30 days of enrollment in the health plan, the health plan must reduce its preexisting condition period by one month for each month the participant was enrolled in the previous qualifying coverage.

Lifetime limits. A health plan may not impose catastrophic or lifetime limits on any provision of its coverage.

Section 102. Disclosure Requirements. Enhances the plan notification, disclosure and termination requirements for ERISA health plan (fully insured or self-insured). Provides increased security of health benefits for employees enrolled in employer-sponsored plans.

Insurer Notification. Requires insurers to disclose, prior to selling a policy to an employer, information relating to rate changes, renewability, preexisting condition provisions, benefits.

Self-Funded Health Plans. Requires self-funded plans to inform participants that the Plan is governed by federal law, and is not subject to state laws relating to licensure, benefits, and solvency. Plans also must inform participants of the individual participant's liability for services should the plan deny benefits of become insolvent. Plans must inform participants of material changes in the terms of the plan.

SECTION 103. PROOF OF PLAN INVOLUNTARY TERMINATION POLICY.

Notification to participants. Requires plans sponsors to notify each participant of the termination of a health plan (fully insured or self-insured) as least 90 days prior to the termination. Employers may not modify benefits or contributions levels in the 90-day period before termination.

Termination Policy Required. Requires self-funded health plans to purchase an involuntary termination policy, which must provide participants 90 days of coverage beyond the plan's termination date. This gives participants 3 months of protection in case of insolvency of a self-funded plan. An exception exists for single-employer plans with a AAA bond credit rating, and for multiemployer plans that meet the requirements of §302 of the Labor Management Relations Act.

TITLE II—MULTIPLE EMPLOYER WELFARE ARRANGEMENT REFORM

Section 201. Definitions. The objective of this session is to prevent fraudulent and mismanaged MEWAs from leaving small businesses and their employees bankrupt and without health coverage.

Status of MEWA Plans. Clarifies the status of plans maintained by MEWAs by providing that even if a MEWA is not treated as a benefit plan for ERISA purposes, each employer participating in a MEWA will be treated as maintaining (through the MEWA) a benefit plan, and the employer's employees will be treated as the plan's participants.

MEWA Definition. Amends the definition of MEWA to include certain employee leasing arrangements.

MEWA Registration. Requires MEWAs to register annually with the Department of Labor.

Common Control. Clarifies the definition of common control for single employer arrangements.

Section 202. Modification of Preemption Rules for Multiple Employer Welfare Arrangements. Provides that state insurance laws apply to any MEWA which is an employee group health plan.

Section 203. Application of Criminal Penalties. Outlines felony criminal penalties for false representation of the MEWA product to any employer, employee, sponsor, State, or the Department of Labor.

TITLE III—HEALTH PLAN PURCHASING COALITIONS

Section 301. Health Plan Purchasing Coalitions. Establishes ''health plan purchasing coalitions'' to provide small employers and individuals meaningful power to negotiate prices in the health care market.

Definition. Purchasing coalitions may be formed by individuals or employers, but not by insurers, agents, or brokers.

Certification. Provides for state certification and Federal registration of purchasing coalitions.

Domicile. A purchasing coalition is considered domiciled in the State in which the most of its members are located.

Board of Directors. Provides that each purchasing coalition be governed by a board of directors; imposes certain requirements on board composition.

Membership. Permits purchasing coalitions to establish membership criteria.

Marketing Area. Permits states to establish rules regarding the geographic area served by a purchasing coalition.

Duties and Responsibilities. Delineates the following duties of a purchasing coalition: (1) enter into agreements with insured health plans; (2) enter into agreements with members; (3) participate in state established risk adjustment or reinsurance programs; (4) prepare and distribute materials to permit members to compare plans; (5) market within the service area; (6) act as ombudsman for all enrollees; and (7) perform certain other functions as approved by the board of directors.

Prohibited Activities. Prohibits the purchasing coalition from performing certain other activities, including licensing health plans and assuming financial risk.

Relationship to Plan Sponsors. Provides that members of the purchasing coalition (employers or plans) will be treated as maintaining a benefit plan on behalf of plan participants. The purchasing coalition may act as plan administrator for employer members.

Preemption of State Laws. Preempts state fictitious group laws, certain state rating requirement laws, and certain state mandated benefit laws.

Section 302. Cooperation Between Federal and State Authorities. Clarifies the roles of the Federal Government and the States with regard to MEWAs and Health Plan Purchasing Coalitions.

State Enforcement. Permits the States to apply to the Secretary for partial or complete authority to enforce provisions in the Act relating to MEWAs and purchasing coalitions.

Assistance to States. Permits the Secretary to provide assistance to the States by: (1) establishing communications between the Pension and Welfare Benefits Administration and State agencies to share information on specific cases; (2) providing technical assistance relating to regulation of MEWAs; (3) assisting States in getting advisory opinions; and (4) distributing advisory opinions to State insurance commissioners.

Mr. NUNN. Mr. President, I today join my colleague Senator JEFFORDS, the distinguished junior Senator from Vermont, in introducing legislation designed to address certain problems in the area of employer-sponsored health plans. Although the regulation of health insurance companies has been a matter historically left to the States, the provision of health benefits to employees through employer-sponsored health plans was subjected to Federal regulation under the Employee Retirement Income Security Act of 1974 [ERISA]. Unfortunately, this concurrent system of State regulation of health insurers and Federal regulation of employer-sponsored health plans has led to a great deal of ambiguity when it comes to attempts to provide legislative protection to the participants in employer health plans, particularly those in self-funded plans. This ambiguity has left many participants in these plans without certain basic insurance safeguards and has, in some instances, left employers and employees alike at the mercy of unscrupulous promoters of fraudulent insurance schemes.

The legislation Senator JEFFORDS and I are introducing today, the Employer Group Purchasing Reform Act of 1995, attempts to resolve some of these problems by amending ERISA to: (1) enhance plan notification, disclosure, and termination requirements for all ERISA health plans; (2) clarify the authority of States to regulate certain multiple employer health plan arrangements known as MEWA's; and (3) encourage the purchase of fully-insured health insurance products through the formation of employer health plan purchasing coalitions.

I am pleased to note that this legislation draws in part upon work done by the Senate Permanent Subcommittee on Investigations from 1990 to 1992. In hearings which I had the privilege of chairing in 1990, and in a subsequent report, the Subcommittee revealed how the promoters of fraudulent insurance plans have been able to use the MEWA provisions of ERISA as a shield with which to repel the legitimate efforts of State insurance regulators to protect consumers. As a result, unsuspecting employers and employees have been bilked of millions of dollars and hundreds of thousands of working men and women have been left with worthless insurance policies, unpaid medical bills and, in some instances, an inability to obtain future health care coverage.

The idea behind MEWA's is a laudable one. Small employers who otherwise might not be able to afford health insurance coverage for their employees group together in an arrangement which allows them to leverage their purchasing power in order to obtain

coverage at reasonable rates. Unfortunately, the laudable idea has been subverted by greed. Preying upon the legitimate desires of small businessmen, the promoters of fraudulent MEWA schemes have lured employers into enrolling their employees in what appear to be attractive health benefits plans at low premium rates. In reality, however, many of these plans are actuarially unsound, maintain little or no reserves, and are constantly subjected to exorbitant fees, commissions, and in some cases, outright looting.

Much to the chagrin of Congress and the States, these promoters have been able to use the provisions of the ERISA statute to further their schemes. In the first instance, they know that ERISA effectively prohibits States from applying their insurance laws to employee benefit plans, including those plans which offer health insurance. At the same time, they also know that ERISA provides little, if any, substantive Federal regulation of these plans. For example, ERISA contains no standards as to minimum reserve levels, contribution levels, or the establishment of a guaranty fund, all of which are standard features of State insurance regulations. By claiming status as an employee benefit plan, the promoters of fraudulent MEWAs are thus able to evade the regulatory requirements of State law without having imposed upon them any comparable requirements under Federal law.

In 1992, I introduced legislation to correct this situation. That legislation, the Multiple Employer Welfare Arrangement Reform Act of 1992, sought to make clear that MEWAs may be subjected to State insurance regulation regardless of their status as an employee benefit plan under ERISA. Although my legislation was not enacted in 1992, I am pleased to join with Senator JEFFORDS today to once again attempt to resolve this issue.

The legislation which we are introducing today will clarify the authority of the States to regulate MEWAs. Quite frankly, it is inconceivable to me that Congress could ever have intended that a product that walks like insurance, talks like insurance, and acts like insurance could somehow, by invoking the name of ERISA, avoid the safety and soundness protections of State insurance law.

The legislation also, for the first time, provides substantive regulatory requirements for all ERISA health benefit plans in the areas of plan disclosure, notification, and termination. One of the major problems the permanent subcommittee found in investigating MEWA fraud was that employers and employees alike really had little understanding of the nature of the plans in which they had enrolled. In particular, they often had no idea that most of these plans were self-funded and that there was no guarantee that claims would be paid. This legislation will finally ensure that employees are provided with that basic information.

Finally, our legislation attempts to encourage the laudable idea which attracted employers to MEWAs in the first instance. By providing for the creation of health plan purchasing coalitions, our legislation recognizes the difficulty many small employers have in obtaining affordable health care coverage for their employees. This legislation thus seeks to encourage employers to group together in order to leverage their purchasing power by providing a limited preemption of certain State insurance laws for such groups. At the same time, we want to make sure that these coalitions are not subverted by the same types of unscrupulous promoters who peddle fraudulent MEWA plans. The legislation therefore makes it clear that health plan purchasing coalitions may not assume any financial risk with respect to any health plan and may not provide anything other than fully-insured health plans to their members.

I believe that these provisions will go a long way toward providing the millions of Americans who receive their health benefits through their place of employment with certain basic protections that will ensure that the health benefits they are promised will be there when they need them. I am pleased to join with Senator JEFFORDS in this effort, and I look forward to working with him and my other colleagues in the Senate in addressing this important issue.

By Mr. ROTH:

S. 1063. A bill to permit State and local governments to transfer—by sale or lease—Federal-aid facilities to the private sector without repayment of Federal grants, provided the facility continues to be used for its original purpose, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL AID FACILITY PRIVATIZATION ACT

Mr. ROTH. Mr. President, one of the great challenges facing governments throughout this country, at all levels, is how to find the funds to maintain our basic public works infrastructure. Another challenge is find ways to bring sound business practices to the management of these assets. I believe that privatization is an important tool that, in many instances, can help government meet both of these challenges.

Privatization of governmental facilities is not always the answer, but it is something we ought to look at more seriously than we have in the past. And where it makes sense, the Federal Government should do what it can, not only to undertake it itself, but also to encourage it in State and local governments.

Unfortunately, there are well-intended Federal policies that may serve unnecessarily to discourage useful privatization of certain State and local government facilities. I am referring to what are called Federal-aid facilities. These are public works facilities belonging to State and local governments that have been constructed with the assistance of Federal funds. Examples include waste water treatment facilities, airports, parking structures, turnpikes, and public utilities.

State and local governments that privatize such facilities are required to make a payment to the Federal Government, based on the amount of Federal aid that went into the facility. They are also restricted in how they can use the proceeds of the privatization. These limitations have served to discourage such privatizations.

These Federal-aid facilities can be quite costly to operate and maintain, but funds for those purposes are increasingly limited. State and local authorities will find decreasing assistance in that regard from the Federal Government, given our severe budget constraints. But private investment and operation holds out the promise of filling that financial void, and of bringing new efficiencies to these enterprises. I believe we would be wise to seek creative ways of inducing nongovernmental funds to supplement these Federal, State and local investments.

Therefore, I think it is important that we remove any unnecessary or outmoded barriers to the creation of public-private partnerships in the operation of these facilities. Legislation has been introduced in the House by Congressmen MCINTOSH and HORN, H.R. 1907, to eliminate these barriers.

Today, I am introducing that legislation—the Federal-Aid Facility Privatization Act of 1995—in the Senate. It is my intention to hold hearings in the Governmental Affairs Committee on this bill and the issues it raises.

And it does raise important issues and questions that need thorough exploration, before we go further with the legislation. Just as it is important to allow privatization where useful, it is also important to do so carefully and thoughtfully. Where Federal funds have been invested, we have a responsibility to ensure that this investment continues to serve the long-term public interest.

I believe that this legislation is a very helpful starting point for examining the best way to use privatization as a tool to further the enhancement of public assets. I appreciate the effort that has been put into it by our colleagues in the House, and I look forward to working with them on this important reform.

By Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, Mr. DASCHLE, Mr. MACK, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. LEAHY, and Mr. LAUTENBERG):

S. 1064. A bill entitled The Middle East Peace Facilitation Act of 1995; to the Committee on Foreign Relations.

THE MIDDLE EAST PEACE FACILITATION ACT OF 1995

Mr. HELMS. Mr. President, for myself and Senator PELL, I offer today the Middle East Peace Facilitation Act of 1995, which is cosponsored by the Senate's leaders, Mr. DOLE and Mr.

DASCHLE, along with Senators MACK, LIEBERMAN, FEINSTEIN, MCCONNELL, LEAHY, and LAUTENBERG.

It is for me a difficult undertaking to participate in any proposal that permits assistance to go to the Palestine Liberation Organization. I can never forget the deaths of hundreds of innocent men, women, and children at the hands of PLO terrorists, and their memory weighs heavily on me.

We have Biblical instructions to ''guide our feet into the way of peace,'' and I have undertaken to follow that dictum. I believe that this legislation demonstrates our commitment to peace—and to the terms of that peace as well.

Mr. President, I have never tried to tell Israel what to do. It was the choice of the sovereign, democratically elected government of Israel to negotiate peace with the PLO. That would not have been my decision. The United States cannot dictate the terms of Middle East peace. It can, however, dictate the terms of our assistance to the parties to the peace.

In retrospect, previous versions of this legislation have lacked needed strength. My aim in crafting this bill, along with my colleagues, was to tighten and strengthen the standards under which the President may waive existing restrictions on assistance to the Palestinians.

Within the realm of possibility, I believe we have succeeded in that aim, and now provide for a cutoff of assistance should the PLO not meet the strict requirements of this law. The Middle East Peace Facilitation Act of 1995 contains a cutoff of assistance to the PLO, if, after 6 months, certain vital conditions are not met.

Mr. President, this legislation requires that the PLO, among many other things: Eschew and condemn violence, and bar those who commit such acts from participating in Palestinian institutions; keep to commitments, and annul those portions of the Palestine National Covenant which call for the destruction of the State of Israel; observe international norms of human rights and democracy; disarm gun-toting thugs throughout territories controlled by the PLO and fight alongside Israel to arrest, prosecute and imprison terrorists and would-be terrorists.

If, 6 months from the date of enactment of this act, the President cannot certify that the PLO has met these most stringent and specific conditions, no money will be provided pursuant to the exercise of this act. Period.

Mr. President, it is never easy to agree on how to proceed on an emotional issue such as the Israeli-Arab peace process. I walked the beautiful hills of Judea and Samaria and it breaks my heart to see Israel relinquish its rights in those territories. It is doing so in return for what it believes will be a lasting peace. We in the United States must do everything in our power to ensure that it is a real peace. I hope this legislation contributes to that effort.

This is not a perfect work, but it is the product of many hours of labor and, yes, with some reluctant compromise. I thank Senator PELL and his staff for their cooperation in this effort.

Mr. PELL. Mr. President, I am pleased to join the distinguished chairman of the Foreign Relations Committee, Senator HELMS in introducing the Middle East Peace Facilitation Act of 1995.

This legislation is the follow-on to legislation that Senator HELMS and I authored last year, which provides the President with the authority to waive certain legislative restrictions against the Palestine Liberation Organization.

In September 1993, when Yasir Arafat shook Israeli Prime Minister Yitzhak Rabin's hand on the White House lawn under President Clinton's approving gaze, the PLO and Israel began a historic process toward peaceful coexistence. In order for the United States to facilitate that process, the administration requested Congress to provide the President with a certain amount of flexibility to deal with the PLO. The Congress agreed, in the form of the Middle East Peace Facilitation Act of 1994, to provide the President with waiver authority to enable the provision of U.S. assistance to the Palestinians and the opening of a PLO office in the United States. That authority was provided subject to the President's certification that the PLO was abiding by its commitments with Israel and with the United States—in other words, that the PLO was behaving responsibly and was true to its word with regard to Israel.

As many of my colleagues know, the authorities under the Middle East Peace Facilitation Act of 1994 expired at the beginning of this month, and the Congress enacted a short-term extension to gain additional time to pass new legislation. I am pleased to be joining Senator HELMS and my other colleagues in introducing that new legislation today.

The Middle East Peace Facilitation Act of 1995 is a bipartisan effort, and the product of many hours of negotiations between Republican and Democratic Senate offices, as well as representatives of the administration. The legislation, in my view, represents a good consensus view on how to continue U.S. support of the Israel-PLO peace accords. I cannot say that I am 100 percent supportive of every word in the legislation, but I am convinced that it is a reasonable approach to a difficult and complex issue. I wish in particular to express my appreciation to Chairman HELMS and his staff for their flexibility and their good faith efforts in the negotiation of the text of the bill.

Mr. President, the Middle East peace process has always enjoyed bipartisan support, and it serves vital U.S. interests in the region. I hope that the Senate will join us in supporting and enacting this critical legislation.

Mr. MACK. Mr. President, I have decided to join my colleagues in support of the Middle East Peace Facilitation Act. I do so with some mixed feelings.

With Senator LIEBERMAN, I was an author of the concept of PLO compliance and of the legislation that makes that concept the law of the United States. The concept of PLO compliance is at the heart of the entire peace process. We often say that the peace process strikes a delicate balance between strict demands on the PLO and understanding the difficulties they face in making peace with Israel. Frankly, there are times when it is difficult to accept that balance. What difficulties can there be to renouncing terror, and to abandoning vows to destroy Israel?

Here I would like to draw attention to what this legislation contains, because there must be no mistake: The Congress is disturbed by the PLO's record since its decision to make peace with Israel. I would like, here, to thank my colleagues, Senators HELMS and PELL, who worked extremely hard together to draft this legislation.

This legislation moves us closer to a cut-off of aid, which is the inescapable result of the PLO's failure to fulfill its promises. This legislation is very critical of the PLO. It incorporates all the promises of the Gaza-Jericho Agreement dealing with prevention of terrorism, abstention and prevention of incitement and hostile propaganda, the operation of armed forces other than the Palestinian Authority, weapons offenses, extradition of criminal suspects and other law enforcement and rule-of-law issues.

This legislation also addresses the issue of accountability. The President must certify that aid is being used for the purposes Congress intends. This is a standard that cannot be evaded. We will be watching the PLO closely. We are helping the Palestinian Authority financially because it helps Israel and it helps ordinary Palestinians who desperately need health care, education, and other assistance. We are not providing aid to be wasted or siphoned away by Palestinian Authority officials, or to help them, in any way, evade their commitments.

This legislation also lets the administration know that its approach to PLO compliance needs improvement, and expressly requires congressional notification of the President's determinations regarding compliance. Here I would note that to the extent that the State Department accepts and minimizes PLO violations, the Department permits the PLO to imagine that its commitments may be obviated. We do not believe that this is the administration's intent. However, we are equally sure that it is the inevitable outcome of the failure of U.S. policy to clearly address PLO compliance.

The current situation cannot go on indefinitely. The Palestinian Authority

must make a choice. Either it recognizes that its commitments to Israel form the basis of a permanent peace, or it continues the charade of compliance until the peace process is irreparably damaged. The sooner the Palestinian Authority realizes that these commitments are inescapable and will not be overlooked by the international community, the sooner the peace process will become simply peace.

Mr. LIEBERMAN. Mr. President, I am pleased to be an original cosponsor of the Middle East Peace Facilitation Act [MEPFA] of 1995 joining the majority and minority leaders, Senators DOLE and DASCHLE, the chairman and ranking member of the Foreign Relations Committee, Senators HELMS and PELL, my coauthor of the 1989 PLO Commitments Compliance Act, Senator MACK, and Senator FEINSTEIN. This act supports continued progress in the important process of achieving a stable, lasting peace for Israel and the Middle East. This act alone will not bring peace to this troubled region, but without it the task becomes exceedingly difficult if not impossible. America's support for the peace process has been long, steady and essential. The Middle East Peace Facilitation Act of 1995 enables the United States to continue the important role we have played and must continue to pay.

Much of the road to a secure peace remains ahead of us. Yet we must not forget how much progress has already been made. Prime Minister Rabin and Chairman Arafat have taken considerable risks—both personal and for their people—to reach the point we are at today. The United States, and most especially President Clinton and Secretary Christopher, has remained by the side of the negotiators every step of the way—facilitating the process, prodding where necessary, and, always, supporting the negotiating parties. It is critical that the provisions which MEPFA allows—waiver of certain restrictions and authorities—remain in force if we are all to remain on the path to peace.

I continue to believe that PLO compliance with its commitments remains an essential element in the quest for peace. There is little doubt that the Palestinian Authority has not yet fulfilled all the commitments Chairman Arafat made in the declaration of principles signed at Oslo and other agreements reached between Israel and the PLO.

The Middle East Peace Facilitation Act of 1995 maintains conditions and reporting requirements critical to ensure that the PLO commitments are carried out. This act strengthens the requirements which the Palestinian Authority must meet in order for United States aid and waiver authorities to continue. It takes into account many of the criticisms which have, correctly, been made of existing legislation. The act makes far clearer the linkage between United States assistance and the firm obligation of the Palestinian Authority to comply with all the commitments it has freely made. There should be no confusion that the United States—and the cosponsors of this bill—is intent on seeing this process through to a real peace brought about by both sides negotiating in good faith and fulfilling their obligations.

The Middle East Peace Facilitation Act has been a vital component of the Middle East peace process, and has served as an effective and powerful tool in monitoring and compelling PLO compliance with its commitment to peace and fighting terror and extremism. This bill strengthens MEPFA. The peace process and this bill deserve our full support.

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 724

At the request of Mr. KOHL, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 724, a bill to authorize the Administrator of the Office of Juvenile Justice and Delinquency Prevention Programs to make grants to States and units of local government to assist in providing secure facilities for violent and chronic juvenile offenders, and for other purposes.

S. 837

At the request of Mr. WARNER, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alabama [Mr. SHELBY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Kansas [Mr. DOLE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Indiana [Mr. LUGAR], the Senator from Idaho [Mr. CRAIG], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 890

At the request of Mr. KOHL, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 890, a bill to amend title 18, United States Code, with respect to gun free schools, and for other purposes.

S. 907

At the request of Mr. MURKOWSKI, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 907, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

S. 940

At the request of Mr. GORTON, his name was added as a cosponsor of S. 940, a bill to support proposals to implement the United States goal of eventually eliminating antipersonnel landmines; to impose a moratorium on use of antipersonnel landmines except in limited circumstances; to provide for sanctions against foreign governments that export antipersonnel landmines, and for other purposes.

969

At the request of Mr. BRADLEY, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of a child, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as ''National Family Week,'' and for other purposes.

AMENDMENTS SUBMITTED

THE MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1996

BINGAMAN (AND OTHERS) AMENDMENT NO. 1834

Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. KERREY, and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes; as follows:

On page 22, between lines 2 and 3, insert the following:

SEC. 127. Notwithstanding any other provision of this Act, the total amount appropriated by this Act for military construction and family housing is hereby reduced by $300,000,000.

SIMON (AND MOSELEY-BRAUN) AMENDMENT NO. 1835

Mr. SIMON (for himself and Ms. MOSELEY-BRAUN) proposed an amendment to the bill H.R. 1817, supra; as follows:

At the appropriate place, insert the following:

SEC. . FORT SHERIDAN.

(a) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall convey to the Lake County Forest Preserve District, Illinois, (in this section referred to as ''the District''), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of approximately 290 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.

(b) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under subsection (a), the District shall provide maintenance and care to the remaining Fort Sheridan Cemetary, pursuant to an agreement to be entered into between the District and the Secretary. The Secretary of the Army shall be responsible to continue interments at the cemetery for the remainder of its use.

(c) The Secretary of the Army is also authorized to convey the remaining surplus property at Fort Sheridan to the negotiating agent, or its successor, for an amount no less than fair market value (as determined by the Secretary of the Army) of the property to be conveyed.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsections (a) and (c) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Lake County Forest Preserve District, and the Fort Sheridan Joint Planning Committee, respectively.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interest of the United States, except for consideration previously provided for in paragraph (c).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nomination of John Garamendi to be the Deputy Secretary of the Interior.

The hearing will take place Thursday, July 27, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Heninger at (202) 224–5070.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on Friday, July 21, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on foreign tax issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 21, 1995, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, July 21, 1995, at 10 a.m. to hold a hearing on Federal Law Enforcement and the Good Ol' Boys Roundup.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LARGE ANECHOIC CHAMBER, PATUXENT RIVER, MD

● Mr. REID. Mr. President, the committee has been particularly interested in the proposed large anechoic chamber at Patuxent River, MD, a project for which $30 million has been appropriated to date. The Committee has received a letter from the Chief of Naval Operations, Adm. Mike Boorda, strongly endorsing this project, which I will ask to have printed in the RECORD today. This is a major national level project and asset, of great value in the use of modeling and simulation to provide more timely and cost effective RDT&E of naval aircraft. The Committee expects the Department of the Navy to begin expending the money already appropriated in the next few months, and fully expects that future appropriations will fully fund the facility. I note that some $60 million was authorized for the project. While the committee has not added to the $30 million already appropriated, it is impressed with the importance of the project and encourages the Navy to provide a design for the chamber that will maximize its long-term utility and efficiency.

I ask that the letter from Admiral Boorda be printed in the RECORD.

The letter follows:

CHIEF OF NAVAL OPERATIONS,
July 19, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN, I am writing to inform you of our commitment to proceed with the construction of the Large Anechoic Chamber at Naval Air Warfare Center, Patuxent River, Maryland. We thank you for your support of our aviation programs and of this future national asset.

The proposed Large Anechoic Chamber (MILCON project P–389) is of special interest due to its unique capabilities and its multi-year appropriations. The chamber is a key component for the increased use of modeling and simulation to provide more timely and cost effective RDT&E of naval aircraft. It will be completely integrated with the existing Air Combat Environment Test and Evaluation Facility. Congress authorized $60.9 million in FY93 for this project. We are proceeding with a plan to construct a complete and useable, shielded Anechoic Chamber which meets the stated intent of Congress.

The Navy's commitment to fund supporting materials for the chamber (estimated $9 million of OM&N) results in an alternative that will construct a complete and capable facility within existing funds. This approach will result in beginning the project this year and provide the core capability along with the flexibility to later complete the project as initially envisioned.

An additional appropriations of about $20 million will be necessary to construct the chamber as initially envisioned and to maximize its long term utility and efficiency. Design efforts will be scoped to the available funds; if additional appropriations could be made in advance of the design process, a savings in both design and construction would be course, be realized.

We are moving ahead with this project and look forward to its contribution to future state of the art aircraft development.

Sincerely & Very Respectfully,

J.M. BOORDA,
Admiral, U.S. Navy.

STATEMENT FOR THE RECORD FROM SENATOR SARBANES

I want to thank the distinguished Chairman and the ranking member for their help in including language in the report to accompany the Fiscal 1996 Military Construction Appropriations Bill supporting the construction of a large aneochic chamber at the Naval Air Warfare Center, Patuxent River, Maryland.

This project—the Nation's first Integrated Test Facility for aircraft—is a top priority of the U.S. Navy. It will allow the Navy to perform flight tests, simulations and threat assessments in an integrated, secure environment, and provide more timely and cost effective research, development, testing and evaluation of naval aircraft.

I ask that a copy of the letter from the Chief of Naval Operations for the Navy, Admiral J.M. Boorda, highlighting the importance of this future national asset, be included in the RECORD, immediately following my statement.

Congress authorized $60.9 million for this project in Fiscal 1993, and the committee has provided $30 million over the past three years (1993, 1994 and 1995) for the completion of this facility at Patuxent River. The base already has a small anechoic chamber and associated laboratories that would cost approximately $300 million to replicate. The need to complement these unique facilities with a large chamber was recognized as early as 1988 by the Inspector General at the Defense Department.

I fully expect the Navy to submit a budget request to complete this important project in Fiscal 1997 and I hope the Committee will approve the necessary funding.

Thank you, Mr. Chairman.

APPRECIATION TO THE AMERICAN BAR ASSOCIATION

● Mr. JOHNSTON. Mr. President, despite the collapse of efforts to enact comprehensive and meaningful regulatory reform, there is credit and thanks that are due to many public-spirited organizations and individuals who gave selflessly of their time and talent to make S. 343 a good, strong, credible bill. Perhaps no single professional organization did more to help the U.S. Senate in this regard than the American Bar Association and the incoming chair of the ABA Administrative Law Committee, Mr. Philip J.

Harter. Administrative law is nowhere as simple as many would make it out to be. In the debate on S. 343, there were many unfortunate misstatements and misrepresentations regarding the most basic tenets of administrative law. Few persons were more willing to volunteer their time as a truth squad on such topics than Phil Harter. He gave days and perhaps weeks of pro bono time to educate my staff on the intricacies of the topics covered by the bill. He helped many other Senate staff as well. Many of the improvements that I was able to suggest to S. 343 came about as a result of discussions with Mr. Harter and other input from members of the ABA Administrative Law Committee. The ABA continued to help Senators during the floor debate with a series of letters that provided staff and members with neutral, professional peer review of the relevant legal issues. When complex issues were under discussion, we could generally count on Phil Harter and the ABA's able Washington representative, Gary Sellers, to appear in the lobby for consultations with whomever was willing to avail themselves of their expertise. S. 343 was a better bill for their tireless efforts. We owe Phil Harter and the ABA a great debt of thanks. My only regret is that their efforts did not result in a permanent improvement in our Nation's administrative law.●

REMEMBERING GEORGE VUKELICH

● Mr. FEINGOLD. Mr. President, George Andrew Vukelich was born in South Milwaukee.

A radio personality, a journalist, a writer, an environmentalist, a political activist, George was an institution in Wisconsin. He would bristle at this thought, but it is undeniably true.

I knew George long before he knew me, having listened to him on the radio for years.

As Papa Hambone and Bill Patrick, George was a well known radio personality in Madison. After studying broadcasting in Toronto under Lorne Greene, he began his radio career in the early 1950's. Over the years, his radio shows ranged from storytelling to jazz to political commentary, and were as much a part of life in Madison as the lakes.

George was a dedicated environmentalist who loved the outdoors, and for anyone who listened to his radio shows or read his articles or books, that love was contagious.

A gifted writer, George was honored by the Wisconsin Academy of Sciences, Arts and Letters, the Women's International League for Peace and Freedom, the Council of Wisconsin Writers, the Milwaukee Press Club, and Trout Unlimited, among others.

A journalist of fierce commitment and passionate belief, George's columns would skewer the powerful and champion the powerless with wit and ardor. And, along with his wife Helen, George lived his beliefs, a character trait notably present in their children.

George loved baseball and fishing. He loved politics and the written word. Most of all, he loved Helen and his family.

George Vukelich died this past July 4. That his death fell on our Nation's birthday, the anniversary of the signing of the Declaration of Independence, is fitting, for I can think of no one who better reflected the joyous spirit and burning ideals that day represents.

Thousands have lost a good friend, and the north country has lost a talented and fervent advocate. As one friend wrote of George's passing: For one night at least, we will know why the loons cry.

Papa Hambone used to end his program with: ''For good food, for good wine, and most of all, for good friends, thank God.

His thousands of friends will add: And for George Vukelich, thank God.●

TRIBUTE TO THE HONORABLE ALBERT J. STIFTEL

● Mr. BIDEN. Mr. President, on June 22, the superior court of my home State held a special session—special not only in the technical sense, but in spirit, in its purpose and its meaning. The court met, with all of its current judges and many of its distinguished alumni present, in appreciation of the services of Albert J. Stiftel.

I am proud today, Mr. President, on behalf of many other of his fellow citizens, to offer another expression of appreciation for Albert Stiftel, who served on the Superior Court of the State of Delaware from 1958 to 1990, including 24 years as presiding judge. The quality and character of Judge Stiftel's service merit not only our attention and appreciation, but also, if we are up to the challenge, our best attempt at emulation.

My colleagues have indulged me before—indeed, some have joined me, in praising the tradition of excellence that has made Delaware's judiciary a standard for the Nation. It is a tradition of excellence not only in the administration and dispensation of justice, but in principled as well as practical bipartisanship, in fun as well as functional collegiality, and in that often neglected cornerstone of democratic society, civility.

Mr. President, Albert Stiftel embodies that tradition.

Albert, as he is by choice most widely known, is pure Delaware: born and raised in Wilmington—raised, in fact, in the house where he still lives—a graduate of Wilmington High School and of the University of Delaware.

He entered law school at the University of Virginia in 1939, an undertaking interrupted when he was called to duty as a second lieutenant in the U.S. Army. As his lifelong friend and longtime colleague on the Delaware bench, retired State Supreme Court Justice William Duffy, remarked, ''Albert was born in Wilmington but, like many of his generation, he grew up in the South Pacific, including a place called Guadalcanal.'' After his military service, Major Stiftel returned to the University of Virginia Law School, graduating in 1947.

Young Albert Stiftel's years of private practice were driven by a public spirit. Before becoming a judge, he was an attorney for the Legal Aid Society, attorney for the Delaware State House of Representatives, and a Deputy Attorney General. And he was also a teacher, a role he wears naturally and with grace.

In 1958, my distinguished predecessor in this body, then-Gov. J. Caleb Boggs, a Republican, appointed Albert to the superior court. In 1966, he was appointed as the court's presiding judge by Democratic Gov. Charles Terry, and he was subsequently reappointed by a Republican Governor, our former colleague in the other Chamber, Pete du Pont.

During his long tenure, Judge Stiftel confronted the challenge of times, both for the community and for the court, that he himself has described as ''change and more change.'' Through it all, his leadership won ever-deepening respect.

In acknowledging his debt to his predecessor, the current presiding judge of superior court, Henry du Pont Ridgely, thanked Judge Stiftel for an example that taught ''the importance of comradeship and demonstrated the work ethic you expect from others, of being even-handed and setting high standards, under-promising, over-delivering, and sharing the credit.'' Lessons we would all do well to learn.

But despite the universal relevance of his example, Judge Stiftel's impact on the court, and on all who have known him, has been distinctly personal. Another longtime Delaware judicial colleague, now-Vice Chancellor Bernard Balick, put it this way: ''All of us are unique, but Albert is more unique than most.''

Albert Stiftel's defining qualities, as a judge and as a person, are humility, kindness, and compassion. In and beyond superior court, he has been truly the best of teachers and the best of friends—welcoming, helpful, encouraging to all. I am told that the superior court's ''Judge Stiftel Award'' is reserved for that employee who does the most to brighten the lives of his or her colleagues. It is aptly named.

As Justice Duffy put it, ''Other judges may have served longer, but I doubt it, or have more entries in Lexis, perhaps, and a few may have been better administrators—but none has been held in higher personal esteem than Albert Stiftel.''

Mr. President, I left one quality off the list of Judge Stiftel's defining characteristics, and it will be a glaring omission to anyone who knows him. And in fact, the reason I left it out is that I wanted to call individual attention to it. ''It'' is His Honor's sense of

humor. Let there be no doubt that Judge Stiftel's commitment to fairness is passionate and sure, but its expression has often been punctuated by a one-liner.

Vice Chancellor Balick told this story at the June 22 special session: ''There was the time when Albert was presiding in a criminal trial, and the defendant was on the witness stand, exercising his right to lie in his own defense. Albert was fooling with the microphone, as he always does. He turned the volume up, which caused a loud screech. That startled the defendant, at which Albert said, 'Relax, it's just the lie detector'.''

Whether conveyed in wit or wisdom—and usually it is with both—Judge Stiftel's regard for his colleagues and for the court on which he served has been unwavering and inspiring. As Resident Judge Vincent Bifferato said, ''He taught me to love this court as he does.'' And Judge William Quillen said of Judge Stiftel, ''He has been a cheerleader, not only for the court but for each member of the court * * * he has made each of us better than we otherwise would have been.''

At the special court session, Judge Quillen presented a portrait of Judge Stiftel, which will hang in what was known as courtroom No. 1 when Albert was first appointed to the bench. The portrait was commissioned not by the court, not by the State, not by the Bar Association, but personally by the judges, past and present, of the superior court. This public tribute is all the more official coming as it does out of the sincere affection, respect, and gratitude of Judge Stiftel's colleagues.

That affection, respect, and gratitude are felt throughout and beyond Delaware's legal community, Mr. President, and it is my privilege to give voice to them today. We in Delaware honor Judge Albert Stiftel for the achievements and contributions of his public leadership and for his countless acts of personal kindness and courtesy. He leaves good will and good humor, as well as high standards, in his refreshing wake.

It is most appropriate that in the portrait that will now be a permanent physical presence, as its subject is a permanent spiritual presence, in Delaware's Superior Court, Albert Stiftel is doing what he has inspired so many others to do—he is smiling.●

MAUREEN WOODS

● Mr. SIMON. Mr. President, it gives me great pleasure to rise today and pay tribute to Ms. Maureen Woods. In October of 1994, Ms. Woods became the first African-American woman to be appointed Assistant Air Traffic Division Manager of the Federal Aviation Administration. This important position is a most fitting recognition of Ms. Woods' distinguished career.

Maureen Woods began her service with the FAA in 1974. She rose steadily through the ranks, demonstrating her exceptional ability at a variety of posts throughout the Midwest. She has earned several honors in her FAA tenure, including five commendations for performance and three awards for exceptional service.

As the Assistant Air Traffic Division Manager, Ms. Woods oversees 4,300 employees and manages the 4 Air Traffic Control Centers, 8 Automated Flight Service Stations, and 68 air traffic control towers in the 8-State Great Lakes Region. With both the Chicago and Cleveland Air Traffic Control Centers, the Great Lakes Region is the busiest in the world.

In addition to her service in the FAA, Ms. Woods has also been prominent in her community. She is the coordinator for the Young Women's Ministry of the Pentecostal Assemblies of the World, as well as a youth and motivational speaker for her local church. Ms. Woods serves as a positive role model for her community and her profession.

Mr. President, I want to add my voice to those of Ms. Woods' family and many friends in congratulations on this most recent accolade. Her effectiveness as a public servant and her selfless community involvement are qualities we all should seek to emulate.●

MEASURE DIVIDED AND PLACED ON THE CALENDAR—S. 101

Mr. DOLE. Mr. President, I ask unanimous consent that S. 101 be divided and renumbered with texts I now send to the desk, that they be placed on the calendar and all other provisions of the existing consent agreement governing the consideration of S. 101 apply to these two bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

BI-STATE DEVELOPMENT AGENCY

Mr. DOLE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar 131, Senate Joint Resolution 27.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A joint resolution (S.J. Res. 27) to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

Mr. DOLE. Mr. President, I ask unanimous consent the joint resolution be considered and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 27) was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 27

Whereas the Congress in consenting to the compact between Missouri and Illinois creating the Bi-State Development Agency and the Bi-State Metropolitan District provided that no power shall be exercised by the Bi-State Agency under the provisions of article III of such compact until such power has been conferred upon the Bi-State Agency by the legislatures of the States of the compact and approved by an Act of Congress; and

Whereas such States have now enacted certain legislation in order to confer certain additional powers on such Bi-State Development Agency: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) The consent of the Congress is hereby given to the additional powers conferred on the Bi-State Development Agency by Senate Bill 114, Laws of Missouri 1993 and Public Act 88–611 (Senate Bill 1670), Laws of Illinois 1994.

(b) The powers conferred by the Acts consented to in subsection (a) shall take effect on January 1, 1995.

SEC. 2. The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the additional powers approved under this joint resolution to the same extent as if such additional powers were conferred under the provisions of the compact consented to in such Act.

SEC. 3. The right to alter, amend, or repeal this joint resolution is expressly reserved.

SEC. 4. The right is hereby reserved to the Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by the Congress.

ORDERS FOR MONDAY, JULY 24, 1995

Mr. DOLE. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Monday, July 24, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, time for the two leaders be reserved for their use later in the day, and the Senate then immediately begin consideration of S. 101, the gift ban/lobbying bill, under the terms of the consent order of June 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. DOLE. I would just say for the information of all Senators, under the previous order the Senate will begin consideration of the gift ban/lobbying bill on Monday morning. We hope to be able to reach an agreement on both of these measures that will allow us to complete action on the resolution on Monday. Rollcall votes, if they are to occur, will not occur before 5 p.m. on Monday, so there will be no rollcall votes before 5 p.m.

I cannot say with certainty, but I would be fairly certain there will be rollcall votes after 5 p.m., either on final passage or on amendments.

BOSNIA

Mr. DOLE. Mr. President, 2 days ago, President Clinton called me to ask that

I delay the vote on the Dole-Lieberman legislation until after the London meeting, which ended just a short while ago.

I agreed to the President's request. Unfortunately, the London meeting was a disappointment—another dazzling display of ducking the problem. Instead of clarity and decisiveness, once again we have ambiguity and a lowest common denominator approach.

Instead of dumping the dual key it has been modified. Instead of responding to the fall of Zepa and Srebrenica, these two eastern enclaves have been written off. Most egregiously, the London meeting reaffirmed the current failed U.N. operation.

In the wake of the fall of Zepa, it is hard for me to imagine that anyone still believes that the U.N. mission is viable in Bosnia—that what we are witnessing is anything but a colossal, collective catastrophe.

Yesterday, the Bosnian Presidency building was shelled while the European envoy, Carl Bildt, was meeting with the Bosnian President. If attacks on Sarajevo continue, what will be the West's response? Another meeting. According to Secretary Christopher, the focus of U.N. efforts will be to open access to the city for humanitarian aid. Yes; the Bosnian people need food. They also need protection.

The London meeting reportedly produced a decision to defend Gorazde through a substantial response—after a serious warning is given to the Serbs. Gorazde is already under attack. How much further do the Bosnian Serbs have to go before the warning is triggered?

The Serbs are becoming more aggressive and more defiant by the hour. The London meeting made it clear there would be no immediate or decisive response except more meetings.

In effect, what the Clinton administration and European leaders are doing is trying to manage the conflict—to limit the war's consequences without providing a solution. Or, as the Bosnian Prime Minister said, without dealing with the real problem—which is Belgrade-sponsored aggression.

Western leaders in London also called for a cease-fire and more negotiations. It has been 1 year since the Bosnian Government signed the so-called contact group's plan. Why should the Serbs sign now after yet another display of fecklessness?

It is crystal clear that the London meeting did not produce a solution. It did not result in a policy.

I believe that the Senate will not be fooled by administration spin doctors who will no doubt announce great results from the London meeting.

I believe that there is a substantial majority in favor of the Dole-Lieberman legislation and that the disappointing outcome of the London meeting will only serve to strengthen that support.

Once again, I want to emphasize that the Dole-Lieberman legislation lifts the U.S. arms embargo after UNPROFOR withdraws. It seems to me that this point is being deliberately ignored and intentionally obfuscated by those allied and administration officials who claim that the Dole-Lieberman legislation if passed will be responsible for a U.N. pull-out. This does not take effect until they are out, so we will not be responsible for a pull-out.

No doubt this is a political tactic designed to find excuses for what is the inevitable end of the U.N. mission in Bosnia. It may not be today, may not be tomorrow, but this will end as a consequence of its own failed policy. If only administration and allied officials would spend as much time designing a new policy as they do designing new excuses for their inability to develop an effective and principled policy. The bottom line is that passage of the Dole-Lieberman bill may be an excuse for U.N. withdrawal, but it will not be a cause.

The dire administration predictions of humanitarian disaster have come true—but not because of lifting the arms embargo, but because of a lack of American leadership and a willingness to go along with failure in the name of consensus. Despite the paternalistic assertions made by administration officials that they have the best interests of the Bosnians at heart, the present approach is not humanitarian, it is inhumane. First, the Bosnians were corralled into giant refugee camps, then disarmed, and then left unprotected.

With respect to the assertion that this legislation would give the Bosnian President the right to send 25,000 U.S. troops to Bosnia I would make three points: First, the commitment to send 25,000 U.S. troops to Bosnia for either a withdrawal or to police a settlement is a commitment that was made by President Clinton—and not pursuant to any request by the Bosnian Government or the result of any congressional action. Second, the days of colonialism are over. The Bosnian Government is a sovereign government and has the right to tell the British, French, Dutch, and other forces if and when it wants them to leave. Third, President Clinton has yet to make his case to the Congress that 25,000 troops are needed for such a withdrawal. Let us not forget that the Dutch troops in Srebrenica negotiated their departure with the Serbs—they were not rescued by U.S. marines.

Let me also indicate, as I was told by the foreign minister just a few days ago, he said there were about only 30 U.N. personnel in Serbian-held territory. Somebody said that figure is much higher, maybe 500, maybe 600; but, again, it would not take 25,000 American troops to rescue 30 or 500 or 1,000 U.N. personnel.

We have been assured by the Moslems that they would in no way interfere with the withdrawal.

Finally, I would like to say that a belated NATO response to the brutal Serb onslaught in the Eastern enclaves is not a substitute for a policy. The U.N. operation is a failure. That is a fact. And no amount of reshuffling will change that fact.

Neither Bandaids, nor reconstructive surgery will save the U.N. operation in Bosnia. Lifting the arms embargo and letting the Bosnians defend themselves is the only policy option which has any hope of saving them—and saving United States credibility.

I might point out, the New York Times—which has been struggling with this issue editorially, as many have on the floor, today, and maybe that will be referred to by my colleague from Connecticut—said rather flatly, it is time to lift the embargo. It is time to lift the arms embargo. If we do not want to Americanize what is happening there, and we want to give this independent nation a right to defend itself, then the course is clear. Lift the arms embargo after withdrawing the U.N. forces, and then we believe we can supply the Muslims with weapons. They can be trained in safe places with no hazard, by anybody in the United States or any United States force who might be involved in any weapons or training or whatever.

We believe this is not the best solution. There are not any good solutions. It gives an independent nation a right to defend itself and gives the people in that nation a right to defend themselves. In my view, sooner or later, it will happen.

Maybe not this week. Maybe not next week. Maybe not next month. But winter is coming very soon in that part of the world, and I believe before that happens, U.N. forces will be withdrawn or on the way out. Then, perhaps, the Bosnians will have an opportunity to do what they wanted to do for some time.

I do not mean to dismiss the humanitarian aid that has been provided. It has been helpful in some cases, but unintentionally, the U.N. protection forces have become a barrier, which unintentionally has been a help to the Serb aggressors, and not to the poor people who are trapped in the enclaves.

So far, one has fallen. Another is about to fall. Clearly, everyone is in danger.

ORDER FOR RECESS

Mr. DOLE. Mr. President, I just say, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order following the remarks of the distinguished Senator from Connecticut, Senator LIEBERMAN, and the distinguished Senator from South Dakota, Senator PRESSLER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

THE CRISIS IN BOSNIA

Mr. LIEBERMAN. Mr. President, I thank the Chair and the majority leader for yielding the floor and for his statement on the latest developments from London with regard to the crisis in Bosnia.

Mr. President, I share the sense of disappointment that the Senate majority leader has expressed about the developments in London today. The statement from the London conference is a threat, not a policy, and a limited threat at that, extending, as it does, to only one of the four remaining safe areas, so designated by the United Nations.

Why the conferees would feel that it was critical enough to issue this threat with regard to Gorazde but not with regard to Tuzla, Sarajevo and Bihac, I do not know. Why the conferees did not speak clearly and in a united fashion about opening up the supply road for humanitarian aid to Sarajevo along the Mount Igman Road, I do not know. And why is there not clarity, at least, yet on the question of the dual-key arrangement which has done nothing but frustrate the rare occasions when there seemed to be some will to respond to Serbian aggression by subjecting the desire of military commanders to the control of political authorities from the United Nations? There is some suggestion that there is still a dual-key approach for implementing this threat that was issued today about what would happen to the Serbs if they attacked Gorazde.

There is some indication, though not clarity, that perhaps the military commanders on the ground, the U.N. military commanders, will be the ones to have the final say and a decision will not be bounced up for a veto from the U.N. politicians at the top. But that is not clear to me, and therefore is also grounds for disappointment in the communique from the London conference. So I would call the communique from the London conference a threat, not a policy; and a limited threat at that.

If, in fact, the threat is carried out, as so many threats against the Serbs before in this war have not been carried out—if this threat is carried out, if the Serbs take aggressive action, attack Gorazde, then at least it will be the beginning of an implementation of half of the policy that many of us—I am honored to say including the distinguished Senate majority leader and myself and many others from both parties in this Chamber—have been advocating, appealing for, crying out for, for now 3 years, which is the lift and strike policy.

The communique does at last suggest that if the Serbs cross this line, which is a narrow line—it is not a broadly drawn line, it is a line of protection only around Gorazde—then they will finally be subjected to the substantial and decisive NATO air power which we have possessed throughout this conflict and refused to use. Even though going back 2 or 3 years, at hearings of the Armed Services Committee on which I am honored to serve, asking the Chief of Staff of the Air Force whether he felt that these raids could be carried out from the air with minimal risk to American personnel and maximal probability of success—he said yes.

So, from this communique from London, implementing, if the threat is carried through, at least the beginning of one-half of the lift and strike policy, I take some small hope and find some small reason for the Bosnian people, who are understandably cynical and unbelieving, to think that perhaps the international community will finally lift a finger, a hand, to protect them from aggression.

But, this threat, even if carried through by the allied powers, does nothing to lessen the moral and strategic imperative to lift the arms embargo imposed on the nations of the former Yugoslavia. It is illegal because it denies the people of Bosnia the right they are given under international law, under the charter of the United Nations, to defend themselves, a basic right that we have as individuals and that nations have under the United Nations Charter. This right has been taken away from them, not by any great act of international law, but by a political act, by a decision of the U.N. Security Council in 1991.

Looking back at it, a naive, in some sense a cynical decision, or motivated by cynical behavior; an embargo, requested by the Government of Yugoslavia in Belgrade, now the Serbian Government, understanding that when Yugoslavia broke apart, as it surely would, and Serbia began its aggression, as it clearly intended to, against its neighbors, then the effect of the embargo would leave everyone in that region but the Serbs without the arms with which to fight because the Serbs in Serbia, by an accident of history and of hate, ended up controlling the warmaking capacity of the former Yugoslavia.

Immoral—Mr. President, I ask unanimous consent for 2 more minutes.

I say the embargo was immoral because we have watched not only aggression and the frustration of the people to have the means with which to fight back, the victims, but we have watched genocidal acts. We have watched people singled out because of their religion, in this case Moslem; torn from their homes, herded into concentration camps, women raped systematically as an act of war—unheard of. Men—again, it is happening—between the ages of 18 and 55, herded off allegedly for investigations to determine whether they were criminals or terrorists, but tortured and then, and we saw this 3 years ago: Concentration camps, emaciated figures, Moslems tortured, unfed, slaughtered.

So I say, Mr. President, to my colleagues here in the Senate that the moral and strategic imperative to lift the arms embargo remains undiminished by this limited threat and not a policy that was issued from London today.

I hope and strongly believe that when we take up the proposal which Senator DOLE and I, and many others of both parties, introduced on Tuesday to lift the arms embargo, that the result will be a resounding nonpolitical, nonpartisan, overwhelming majority in favor of lifting the embargo, giving the people of Bosnia the weapons with which to defend themselves, and creating finally the basis of a genuine policy that can impose upon the Serbs some pain for their aggression that will give them finally, and for the first time in this conflict, a reason to come to the peace table to negotiate a just end to this conflict.

I thank the Chair. I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

UNITED STATES/JAPAN AVIATION DISPUTE

Mr. PRESSLER. Mr. President, I am cautiously optimistic that last night in Los Angeles progress was made in the United States-Japan aviation dispute with regard to cargo. Finally, the Government of Japan has agreed to honor the clear terms of the 1952 United States-Japan bilateral aviation agreement. Federal Express had been unfairly denied the right to serve numerous Asian cities beyond Japan. Now that the Japanese have authorized these routes, Federal Express can finally open its new Pacific Rim cargo hub at Subic Bay in the Philippines.

I am also pleased with the job done by Secretary Peña in this dispute. The Japanese clearly expected us to trade off existing aviation rights in order to get them to acknowledge rights we already had guaranteed under the terms of the United States-Japan aviation agreement. We did not cave in to this blackmail. Had we done so, it would have set a dangerous precedent for all U.S. international agreements. Global aviation opportunities for our carriers are critical to the long-term profitability of the U.S. airline industry. Secretary Peña understands this very important point.

Mr. President, yesterday I, along with 20 colleagues from both sides of the aisle, introduced a resolution calling on the Government of Japan to immediately honor the terms of the United States-Japan bilateral aviation agreement. I have been developing the resolution over a period of several weeks and I understand the Government of Japan was monitoring it closely. I believe the resolution, Senate Resolution 155, sent a strong signal to the Japanese that the United States Senate expects international agreements to be honored. We should expect nothing less when a solemn international agreement is in dispute.

In my introductory remarks yesterday, I expressed disappointment that the show-cause order the United States

issued to the Japanese on June 19 had not seemed to serve as a wakeup call for the Government of Japan. It was my hope that by introducing Senate Resolution 155 simultaneously with the negotiations in Los Angeles it would drive home the point that international agreements are not to be unilaterally disregarded. I hope Senate Resolution 155 played a role in resolving this dispute.

Let me say to the cosponsors of this resolution that we still may bring it to the floor. We may seek to pass it because the resolution also addresses an important passenger carrier dispute with Japan that remains unresolved. What is happening is that Japan has denied our passenger and cargo carriers new opportunities to serve countries beyond Japan such as Korea, Malaysia, and so forth. The Japanese refuse to recognize ''beyond rights'' guaranteed by our air service agreement. That is what this dispute is all about.

Unfortunately, our aviation dispute with Japan over ''beyond rights'' is not completely behind us. United Airlines has patiently waited while U.S. negotiators focussed on the cargo dispute. Now, the United States must demand the Government of Japan honor the rights of our passenger carriers as well. United Airlines has been wrongly denied the right to start new service between Osaka and Seoul, Korea. This is another clear violation of the United States-Japan bilateral aviation agreement. It must be redressed promptly.

Mr. President, let me also say I am angered by some media reports from Japan declaring victory in the aviation dispute. Let me make this point loud and clear: This was not a victory for Japan. For months the United States has been offering to talk with the Government of Japan about our bilateral aviation agreement. Quite correctly, the United States said it would do so only after Federal Express' beyond rights were honored by the Japanese. These reports are preposterous.

The aviation dispute accomplished nothing for Japan beyond temporarily protecting its inefficient carriers from more head-to-head competition with our carriers. The dispute did galvanize Congress to take a tough stand in future aviation relations with Japan. It showed what our Government can accomplish when Congress supports our Secretary of Transportation and permits him to negotiate from a position of political strength.

Mr. President, I hope our resolve in the United States-Japan aviation dispute sends a strong signal to nations around the world. if you enter into an agreement with the United States, you will not be allowed to pick and choose those provisions with which you will comply. Agreements between nations are solemn.

So, Mr. President, let me summarize by saying that last night I think our Government showed great progress in reaching the cargo aviation agreement with Japan. However, we did agree to give them some things in exchange for the agreement such as new cargo routes between Japan and Chicago. That might appear to some that we gave in. Overall, however, I think we stood firm and the cargo agreement is a step forward.

As Chairman of the Senate Commerce, Science, and Transportation Committee, I called a hearing last week to consider problems our air carriers experience trying to fly beyond Tokyo and beyond Heathrow. There is a system in both directions that prevents our carriers from flying beyond these important international gateways.

At times, the system which blocks our carriers can be subtle. For example, sometimes the Japanese and British technically comply with our aviation agreements but they impose certain ''doing business'' problems that prevent our carriers from competing effectively with their national carriers. Among these restrictions on competition are problems loading and unloading aircraft and requiring our carriers to use the old terminal while the host country carrier uses the modern terminal. There are other barriers that prevent our carriers for serving global destinations from Heathrow and beyond Japan.

Mr. President, I want to commend Secretary Peña. He has done an excellent job resolving this particular dispute. I have been a critic of his at times in the past. I am very sympathetic to the tough challenge he faces in international aviation negotiations.

What happens to the Secretary of Transportation is he is frequently undercut because what our air carriers tend to do is the one that gets the right to serve a foreign country sometimes works with the foreign government to keep other U.S. carriers out. Then the Secretary is presented with a letter from 6 or 8 Senators and 8 or 10 House Members who have a particular airline in their State or district which urges the Secretary to put the interest of the incumbent carrier ahead of the national goal of creating new opportunities for all our carriers. This undermines the Secretary's negotiating position.

To help correct this significant problem, I have urged that the economic interests of the United States be the basis for the Secretary of Transportation's international negotiations.

Mr. President, I do not see this as the end of our aviation problems with Japan. As I mentioned, a significant passenger issue involving United Airlines remains unresolved. Also, I suspect, having observed Japan's trade habits and protectionist activities, that they are going to keep attempting to block our carriers from serving points beyond Japan. There are many lucrative new air service opportunities in the Pacific rim. The Japanese know this and they likely will try to keep them for their own carriers.

We on this floor need to support the Secretary of Transportation in his efforts to open new international opportunities for our carriers and to protect existing aviation rights. We need to let the Secretary put the economic interests of the United States first. I hope someday we will no longer have to get bogged down in a system of bilateral aviation agreements. Instead, I hope one day we will have a multilateral aviation framework, like a GATT worldwide open skies agreement.

I congratulate the Secretary of Transportation. But I still think we may need to pass a resolution in the Senate giving the Japanese notice that we consider this a major trade issue. Also, we need to let the Japanese know that we expect the unresolved passenger carrier issue to be resolved promptly.

Mr. President, I yield the floor. I thank you very much for the additional time.

RECESS UNTIL 9 A.M., MONDAY, JULY 24, 1995

The PRESIDING OFFICER. The Senate now stands in recess until 9 a.m. on July 24.

Whereupon, the Senate, at 3:58 p.m., recessed until Monday, July 24, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 1995:

THE JUDICIARY

JOHN H. BINGLER, JR., OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE MAURICE B. COHILL, JR., RETIRED.